2012 Review of UWS School of Law

Panel Report

3 October 2012
Panel Report
3 October 2012

Expert Panel (from left to right)
Professor Gary Smith
Professor Paula Baron
Professor Maree Sainsbury
Professor Emeritus Philip H. Clarke [Chair]
Mr Michael Gill
3 October 2012

Professor Janice Reid, AM
Vice-Chancellor
University of Western Sydney
Locked Bag 1797
Penrith NSW 2751

Dear Vice-Chancellor

On behalf of the Panel to the 2012 Review of UWS School of Law, I have pleasure in submitting our report which you commissioned in May 2012.

The Review was undertaken at a time when the University – including the School of Law – was emerging from a major institutional restructure. The Panel acknowledges this transition phase and has framed its advice to take into account the Dean’s recently expanded role as a fully fledged member of the University’s senior management team.

In writing this report, the Panel has drawn on data contained in the Review Panel Briefing Packages of 9 and 30 July 2012, the School of Law Self Assessment Report of 31 May 2012, as well as on extensive feedback received during Panel meetings on 1, 2 and 3 August 2012 (which included onsite visits to Parramatta and Campbelltown campuses). During those meetings the Panel had the pleasure of speaking directly with members of the University’s executive, the School of Law management team, academic and professional staff within the School of Law, students and alumni associated with the School of Law, as well as with representatives of various external organisations that have links with the School of Law. The Panel is most appreciative of the feedback received during those meetings.

The Panel itself has provided a broad balance of expertise, and I am most grateful for the valuable input, commitment and diligence of my colleagues Professor Paula Baron, Mr Michael Gill, Professor Maree Sainsbury, and Professor Gary Smith.

The Panel expresses its appreciation to Professor Michael Adams, Dean, School of Law, for the professional manner in which he – and the members of his School – participated in the review process. The Panel also acknowledges the valuable support provided by Dr Paul Rowland, Executive Director, and Ms Janelle Tisserand, Manager, Planning and Review, both of the Office of Strategy and Quality.

Yours sincerely

Philip H. Clarke
Panel Chair
Executive Summary

The Panel concludes that the University of Western Sydney (UWS) School of Law has developed a well deserved reputation for producing graduates with highly developed practical legal skills, who are work-ready and valued (indeed in some cases preferred) by the legal profession. The School has a distinctive practical and social justice orientation which is manifest in the curriculum of its Bachelor of Laws (LLB) degree and the important Parramatta Community Justice Clinic (PCJC). This provides invaluable practical experience for students and is an important symbolic marker for the School within its professional and regional communities. The orientation of the School is thought by the Panel to be consistent with the UWS mission and, in the competitive Sydney law student market, represents an important point of differentiation on which the School can continue to build its brand identity.

The Panel recognises that the School is effectively in a transition phase to stand-alone status within the University following the 2011 re-structure which saw the College level of management removed. In this regard, the Panel noted a number of areas in which the School needs to further develop as a stand-alone entity within the new nine-School structure. This is necessary to enable the School to respond to the challenges associated with moving from being under the umbrella of the previous College of Business and Law to become one of the University’s nine stand-alone schools. The newly found stand-alone status comes with challenges as well as opportunities, and the School must now build its income sources – including fee-based income and student load income – in order to maintain some of the economies of scale it may have previously enjoyed as part of the largest University College.

Challenges – and opportunities – also relate to achieving strategic alignment with the UWS strategy of significantly increasing student enrolments over the next five to ten years and the intention of the University to move away from a student recruitment regime which is closely tied to the Universities Admission Centre (UAC) process and Australian Tertiary Admission Rank (ATAR) scores. Important parts of this agenda for the School will be diversifying student pathways to undergraduate (UG) Law, identifying new opportunities for attracting fee-paying students, and rationalising those areas of its curriculum that are unattractive to students. The Panel has made a number of recommendations in respect of these points.

In the area of research, the Panel noted the School’s aspiration to become a ‘3’ rated Excellence in Research for Australia (ERA) Australian Law School, but identified the need for the School to strengthen its alignment with the University’s research concentration strategy if this is to be achieved.

A further dimension to realising its status as a stand-alone entity is the need for the School of Law to refine its community engagement strategy. The Panel noted a strong commitment in this area by the Dean and recognises the good work already being done. However, during the visit the Panel formed the view that there is unrealised potential for a stronger level of engagement with the professional community in Greater Western Sydney (GWS),
especially, but not only, in Parramatta, including in areas which would have the potential to allow the School to further grow its research performance.

The Panel considers that an important strategic and practical issue for the School is to strengthen the Campbelltown Campus operation. This will assist the University to enhance its competitive position in the student market, create a more consistent student experience between the two campuses, enable the School to grow its LLB enrolments without unduly taxing its resources at Parramatta, and facilitate a more efficient use of University infrastructure. The Panel has made a number of recommendations relevant to this area, including a more concerted focus on blended learning as a vehicle for more consistent and diversified curriculum delivery, a commitment to the University’s growth strategy, and the introduction of a vibrant extension program across and between the two campuses.

The Panel considers that the School is well placed to meet these challenges and seize the opportunity. The School has committed and effective academic and professional staff who engaged with the Panel in a reflective and constructive discourse about current and future positioning of the School.

The School has a clear intention of increasing its academic staff numbers and further improving its demographic and qualifications profiles as part of this process.

Following is a summary of the commendations, affirmations and recommendations which are discussed in further detail in the report within the context of the five Terms of Reference. The definitions of ‘commendation’, ‘affirmation’ and ‘recommendation’ used in this report are adapted from those provided by the Tertiary Education Quality and Standards Agency (TEQSA), as outlined in Table 1.

Table 1: Definitions of ‘commendation’, ‘recommendation’ and ‘affirmation’ used in this report

<table>
<thead>
<tr>
<th>Definition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commendation</td>
<td>Achievement of a stated goal – or existence of a plan or activity that appears likely to lead to the achievement of a stated goal – which is particularly significant.</td>
</tr>
<tr>
<td>Affirmation</td>
<td>An area already identified by the School in need of attention which is particularly significant, whether in respect of approach, deployment or results.</td>
</tr>
<tr>
<td>Recommendation</td>
<td>An area in need of attention, whether in respect of approach, deployment or results, which is particularly significant. It is acknowledged that recommendations in this Report may have resources implications.</td>
</tr>
</tbody>
</table>

Source: TEQSA

Commendations

C1. The Panel commends the Dean upon his outstanding personal engagement with the legal profession, schools, industry and professional groups, and community organisations with an interest in the law or legal education.

C2. The Panel commends the School on its excellent engagement with the media.

C3. The Panel commends the School on the significant growth (over 400% since 2007) in its Higher Degree by Research (HDR) enrolments.

C4. The Panel commends the School on giving its Bachelor of Laws (LLB) a practical legal skills training and social justice focus, and on mapping skills to the units taught within the degree.\(^2\)

C5. The Panel commends the School on the establishment and operation of the Parramatta Community Justice Clinic (PCJC), which delivers high quality practical legal training to UWS law students.\(^3\)

C6. The Panel commends the School on its reputation within the Greater Western Sydney (GWS) legal community for producing high quality graduates who are work-ready with well developed practical legal skills.

C7. The Panel commends the School on the range of its combined degree courses (seven in 2012) and for its plans to introduce, collaboratively with other Schools, a further two combined courses during 2013-14.

C8. The Panel commends the School on the rationalisation of its coursework Master of Laws (LLM) and Practical Legal Training (PLT) programs in the face of external constraints and limitations, noting that it has made difficult decisions very sensibly.

C9. The Panel commends the School on its improved Course Experience Questionnaire (CEQ) results and its program of unit reviews and reports.

C10. The Panel commends the School on the passion of its teaching and professional staff and their commitment to providing students with a high quality learning experience and appropriate support, encouragement and assistance.

C11. The Panel commends the School and the Dean on the Self-Assessment Report and the manner in which it was prepared. It provides a balanced evaluation of the history and current state of the School, the challenges it faces and the areas in which improvement is planned or needed.

---

\(^2\) However, concern was expressed that the School’s emphasis on skills training appeared to be diminishing, hence Recommendation 11

\(^3\) The Panel also recommends the expansion of the clinic’s operation; see Recommendation 5
C12. The Panel commends the School on its success in integrating its two antecedents and two distinct Bachelor of Laws (LLB) programs into a single, effective and well regarded School and LLB program.

C13. The Panel commends the School on its success in attracting students from low socio-economic status (SES) backgrounds and increasing its emphasis on Indigenous students, noting the alignment of its success with the University’s commitment to widening participation in higher education.

C14. The Panel commends the School on its commitment to self-improvement, evident in its 2007 Bachelor of Laws (LLB) curriculum review and 2009 implementation report and in its 2011 Annual Course Report (ACR) and responses to Student Feedback on Units (SFU) surveys.
Affirmations

A1. The Panel affirms the School's intention to explore the offering of free legal advice to UWS students.

A2. The Panel affirms the School’s move from *ad hoc* research activity towards concentrating such activity in a small number of specialised research nodes. This includes reviewing the current four pillar research cluster with a view to reducing it to three.

A3. The Panel affirms the School’s policy of making possession of a Doctor of Philosophy (PhD) – or of near completion of a PhD – a requirement of appointment.

A4. The Panel affirms the School's intention to increase its focus on improving assessment and student feedback arrangements.

A5. The Panel affirms the School’s First Year Initiative, noting its comprehensive nature and contribution to the School's improving retention rates for commencing students.

A6. The Panel affirms the School's strategy of seeking to reduce significantly its reliance on casual staff for the delivery of its teaching program through unit rationalisation and new appointments.4

A7. The Panel affirms the School's strategy of making as many new permanent appointments of experienced and research active academic staff members as its budget allows in order to improve its staff-student ratios and invigorate its teaching and research.

---

4 See Recommendation 9
Recommendations

R1. The School, as a whole and not merely through the Dean, should engage more broadly and deeply with the Greater Western Sydney (GWS) legal profession, the courts, with government agencies such as the Australian Taxation Office (ATO), and with industry.

R2. The School should appoint a Director of Engagement and constitute an active and engaged advisory committee to provide it with advice and to enhance its engagement with the legal profession (including the major firms in the City of Sydney) and other bodies and organisations with an interest in the law, or legal education.

R3. The School should deliver an intellectually vibrant extension program for all students (including HDR students) and staff which, through means such as lunch-time seminars, podcasts or debates, engages them with important issues and controversies relating to law, justice, and the provision of legal services.

R4. The School should more energetically pursue opportunities for securing research linkage grants in collaboration with local partners such as the Parramatta office of the Australian Taxation Office (ATO).

R5. Noting its value as community engagement and alignment with the School’s social justice focus, the Panel recommends the expansion of the PCJC so that it can provide skills training opportunities for a larger number of students.

R6. Recognising that students learn in different ways and desire greater flexibility in the modes in which they study, the School should comprehensively embrace blended learning as a means of enriching learning and teaching, and of increasing flexibility in program delivery.

R7. The terms of reference of the Learning and Teaching Committee should be expanded to enable the committee to consider and report on matters beyond the Bachelor of Laws (LLB) curriculum; in particular, on all aspects of blended learning and teaching and the academic aspects of program delivery.

R8. Assuming the School is able to prescribe appropriate minimum Australian Tertiary Admission Rank (ATAR) entry levels and on the basis that UWS Schools’ funding is linked to Equivalent Full Time Student Load (EFTSL) and corresponding expenditure, the School of Law should seek to increase its enrolments in accordance with the University’s growth targets. This will be assisted by using pathways outside the ATAR system and by introducing the Juris Doctor (JD) as per Recommendation 9.

R9. To facilitate an expansion of blended learning and increase the time staff members have for research, the School should significantly reduce the number of alternate (elective) units offered in the Bachelor of Laws (LLB), focusing on those that attract significant student interest and, wherever possible, are in areas of research strength.
R10. The School should convert its graduate entry Bachelor of Laws (LLB) degree into a graduate entry fee-paying Juris Doctor (JD) degree, taught and delivered flexibly, thereby making it accessible to part-time as well as full-time students.

R11. Practical legal skills training should remain a focus of the Bachelor of Laws (LLB) (and be incorporated into the proposed Juris Doctor (JD) degree) and be appropriately embedded in the degree and resourced.

R12. (University) The process for securing Student Feedback on Units (SFU) should be conducted on-line, rather than during class time.

R13. Noting the importance of the School's increasing its enrolments whilst improving its commencing retention rates, a diagnostic tool should be introduced to assess the relevant competencies of all commencing students and provision made for the delivery of programs responding to the needs of those deemed to require assistance.

R14. (University) The Panel recommends that, notwithstanding the need for discipline specific learning experiences, the University should ensure as much as possible that the overall quality of the student experience is consistently positive across double degree programs that involve the School of Law.

R15. In the context of the University's intention to develop a more structured approach to the development of engaged learning, in developing its Strategic Plan 2012-2014, the School of Law should increase the emphasis given to engaged learning and address the measures used to assess this matter that are employed by the Australian Council for Educational Research (ACER) in the Australasian Survey of Student Engagement (ASSE).

R16. To address the current gender imbalance in the occupancy of leadership positions within the School, female academic members should be encouraged to assume such positions and be provided with the support and allowed the flexibility they need to do so.

R17. The School should address the current imbalance between the Parramatta and Campbelltown campuses by allocating significantly more student load and more continuing staff to the latter and ensuring that any resulting disparity in Australian Tertiary Admissions Rank (ATAR) entry levels is ameliorated by the provision of appropriate teaching and support, and by the development of appropriate pathway cohorts outside the ATAR system.

R18. The School should ensure that regular and comprehensive training is provided for all permanent and casual staff and, in particular, that they have the expertise they need to provide high quality blended teaching and course delivery.

R19. The School should adopt a “whole of University” approach to the issues it faces, recognising that although it is now a separate school, it operates within a wider university community and has a shared responsibility to advance the institution’s mission.
R20. The School should ensure that the members of its management and budgetary team – including professional staff – have the knowledge, skills and competencies they require to operate as a stand-alone school within the University and to advance its research, learning and teaching, and external engagement agendas.

R21. In line with University imperatives, the School should seek to increase its non-government revenue by, for example, the introduction of a fee-paying graduate entry Juris Doctor (JD) degree program, and by a range of other initiatives.  

R22. To secure and strengthen its financial base, the School should more actively pursue an increase in undergraduate enrolment through pathways arrangements that, *ipso facto*, will not negatively impact its Australian Tertiary Admissions Rank (ATAR) entry levels.

---

5 See Recommendation 10
Contents

Executive Summary
Introduction
Chapter 1: Overall Findings
Chapter 2: Engagement [TOR 1]
Chapter 3: Research [TOR 2]
Chapter 4: Learning and Teaching [TOR 3]
Chapter 5: Workforce [TOR 4]
Chapter 6: Governance [TOR 5]
Acronyms and Abbreviations of Titles
Appendix A: Review Panel
Appendix B: Terms of Reference
Appendix C: Review Methodology
Appendix D: Consultations
Appendix E: Program
References
Introduction

The 2012 Review of UWS School of Law (the Review) arises as part of a schedule of School Reviews for the University of Western Sydney (UWS).

The membership of the Review Panel (the Panel) is set out at Appendix A. It comprised four members external to the University and one member internal to UWS who was outside the School of Law and on the UWS Executive. The Panel was chaired by an external Panel member.

The Terms of Reference (TOR) for the Review are set out at Appendix B, and encompass five areas. Three of these concern the performance of the School in meeting the key ‘mission’ areas for the University (i.e., Community Engagement; Research; and Learning and Teaching); and two which are focused on key enabling considerations to do with Workforce, and Financial Sustainability. The TOR for the Review are directly aligned with the UWS Making the Difference Strategy. Methodology for the Review is set out at Appendix C. A website for the Review was developed, and provides access to Review documentation as well as background information on Panel members.

In its deliberations, the Panel took into consideration the background briefing papers provided by the University, including a self-assessment report from the School. The Panel sought additional information from the School and University, and conducted a two-day visit to the School on 2 and 3 August 2012 (on Parramatta and Campbelltown campuses respectively). Details of consultations are set out at Appendix D, and the program for the on-site visit appears at Appendix E.

The University has asked the Panel to comment on both current provisioning and future positioning issues around the five TOR. The Panel introduces its report with summary comments about both current performance and strategic positioning. The report then addresses both of these dimensions, in more specific terms, under each of the TOR.

---

6 UWS Strategy and Plan 2010-2015: Making the Difference
Chapter 1: Overall Findings

This Review of the School of Law has been undertaken at a time when the School is effectively still in transition to stand-alone status. This follows the restructure by the University in 2011 which saw the removal of the College level of management, with Deans of School now reporting directly to the Vice-Chancellor. The School of Law was previously one of five Schools in the College of Business. As an overall observation, the findings of the Panel reflect this transition, where the School is finding its feet as an organisationally separate entity within the University. This is perhaps best summarised by noting that whilst the Panel was favourably impressed by the School’s performance in the everyday aspects of its learning and teaching and research programs, improvement was needed in areas such as the School’s alignment with the University’s strategic direction and the development of a stronger focus on the ‘business’ side of being a stand-alone School.

The Panel appreciated the outstanding level of professionalism shown by the Dean and School staff in the preparation of its self-assessment and the discussions with the Panel during the visit. The Panel found a School community that was open in its account of current strengths and areas for improvement and that was receptive to discussing new perspectives and ideas.

Following is a summary of the main findings. These are discussed in greater detail within the chapters which follow, where the background to the Panel’s commendations, affirmations and recommendations is provided.

1.1 Current provisioning

The Panel was impressed with the School’s focus on developing work-ready graduates with practical legal skills. This was commented on by representatives from the legal profession who met with the Panel, as well as students met on both the Parramatta and Campbelltown campuses. The School has a strong social justice and practical skills orientation which the Panel considers to be a sound basis on which to build its reputation and position itself within the Sydney law student market. The advent of the PCJC is considered by the Panel to be an important adjunct in this regard and should be expanded.

The Panel has examined the curriculum and made recommendations in a number of areas. These relate principally to configuration issues. The Panel believes that there are instances where unit offerings (and perhaps assessment) can be rationalised and conversely where opportunities exist for introducing new degree offerings. In particular, the Panel has recommended that the School consider offering a JD degree as an important extension to its existing LLB degree. As a fee paying program, this would also extend the School’s reach in generating income, and would also be an important positioning initiative for the School.
From a student perspective, the Panel has recommended that the School develop a more concerted and consistent approach to providing flexibility in the way students engage with their learning, and notes that the current University program for curriculum and delivery reform represents an important opportunity to progress this. The Panel concluded from discussions with students that there is unevenness in the student experience between Parramatta and Campbelltown campuses and supports the School’s intention to strengthen its Campbelltown operation. Students are also clearly looking for an extension program to augment and situate their learning and have commented that they seek out and attend events offered by other Universities to be exposed to such experiences.

1.2 Future positioning

The Panel was impressed by the commitment of the Dean and the School to engagement with the legal community in the region. In discussions with external representatives during the visit this was a recurring theme, and one that is clearly driven by the commitment and passion of the Dean. Continuing to build this relationship with the profession will be an important element in the strategic positioning of the School, especially in the context of the School’s clear focus on social and developing practical legal skills.

The Panel was concerned about the conflict that exists between the University’s growth agenda and the School’s strong and clearly articulated preference not to grow. The Panel raises this concern in the context of the imperatives around growth in the University’s mission and strategy, and the student demand that exists for the School’s undergraduate LLB and related programs. Increasing LLB enrolments would also be consistent with the School’s social justice orientation and the importance of law in the social development of the fast-growing and multi-cultural GWS region. The Panel concluded that the impediments to growth perceived by the School derived from concern about its funding which in turn flowed from the lack of a shared understanding between the School and the University about the basis on which the School is resourced. There are also concerns about the ATAR score a student must achieve to enter the LLB falling to unacceptable levels. The Panel has made a number of recommendations that address these issues with a view to enabling the School to actively contribute to realising the University’s growth agenda and aspirations.

In the areas of the School’s student and academic bodies, an important longer term positioning issue is to strengthen the School’s Campbelltown campus. This is in alignment with the institutional mission, and should be undertaken as a priority. The Panel notes the competitive imperative for this and the opportunity offered by blended learning delivery to augment the student experience at Campbelltown, and to provide a more consistent student experience between the campuses.

In the area of research the Panel has recommended that in terms of future positioning the School should explore in a more concerted way opportunities to develop research partnerships with the profession locally. In discussions with external representatives, the ATO at Parramatta expressed a particular interest in this regard. This would help address the School’s self identified need to increase its research grant performance, especially through ARC Linkage Grants.
In terms of support for students, the Panel was impressed by the School’s First Year Experience program and the attention given to obtaining and acting on student feedback. Initiatives such as the Law Orientation Camp and the Moot Court operation also illustrate the commitment of the School to the student experience whilst at the University.

In the case of research, the School is trending in the right direction with improvement evident from the important impact and quality indicators. However, the School accepts that significant improvement is possible by pursuing strategies such as selectively developing research concentrations, academic mentoring and skills building (such as the preparation of grant applications) and the strategic recruitment of research active staff. Having said this, the Panel considered the School had not yet built a convincing argument about how the combination of these factors will allow it to achieve its goal of achieving the ERA rating of ‘3’. A more concerted focus on student enrolment growth may deliver the new staffing appointments which will allow a more rapid improvement in ERA ratings.

The Chapters which follow address the specific Terms of Reference (TOR) in their order.
Chapter 2: Engagement [TOR 1]

The Panel notes the University’s strong emphasis on community engagement and the extent to which this features in strategy at the Institutional and School levels. It also notes that a major institutional review of community and regional engagement is currently underway\(^8\) and that the outcomes of that review will likely impact significantly on engagement strategy and performance across the University – including within the School of Law. Engagement in general with the community and the legal profession offers opportunities to enhance engaged learning and engaged research, and it is noteworthy that the ‘practical’ and ‘social justice’ elements promoted by the School are interlinked with engagement and have the potential to represent a key differentiator in an increasingly competitive market for talented students. It is expected that maintaining the practical element of the LLB degree and related courses will present challenges for the School following the cessation of the PLT units, and as for all engagement activities, will be resource intensive.

2.1 Engagement strategy

The Panel noted the School’s close linkages to GWS (particularly around UWS Parramatta and Campbelltown campuses where the School is located), and its desire to position itself as “a regional centre of excellence in legal scholarship and teaching with close links to the GWS community and an affinity to the needs of law students who reside in the geographic area”\(^9\). Community engagement initiatives such as the PCJC in the Parramatta local court, whilst demonstrating the School’s commitment to social justice, clearly align with the University’s mission of providing “service to its regional, national and international communities, beginning with the people of Greater Western Sydney”\(^10\), as well as to the School’s own mission of supporting and challenging its graduates “to serve their communities”\(^11\). The Panel notes the School’s acknowledgement of greater opportunities in this area.

---

\(^8\) 2012 Review of UWS Community and Regional Engagement
\(^9\) School of Law Self-assessment Report to 2012 Review of UWS School of Law, page 4
\(^10\) UWS Strategy and Plan 2010-2015: Making the Difference
The Panel was impressed by the commitment to serve the local community expressed by School students and staff and especially by the Dean. It also noted recent survey results indicating that the majority of School staff considers community engagement to be regarded favourably within the School and that the University is engaging effectively with the GWS community. However, the same survey results also indicate that some staff perceive they are insufficiently supported to achieve community engagement goals and that community engagement within the School is not of a high quality.

The School refers to its “very good relationships with the large local law firms and many of the smaller law firms in the area, as well as with several of the major national law firms based in the Sydney CBD with offices in GWS”\(^{13}\). This includes initiatives to support graduate employment outcomes such as assisting with summer clerkship placements and distributing electronic job notices to students. However, the Panel notes that the bulk of these relationships are developed and maintained by the Dean.

**Commendation 1**

The Panel commends the Dean upon his outstanding personal engagement with the legal profession, schools, industry and professional groups, and community organisations with an interest in the law or legal education.

An explicit goal in the School’s Engagement Strategy 2007-2011 is that “by the end of 2011, at least 70% of all full-time academic staff will be involved in engagement activities and initiatives”\(^{14}\). There is no evidence that this has been achieved, and the Panel strongly encourages a greater sharing of the engagement workload across the School. The self-assessment states that the Dean has “taken on the co-ordination of all engagement activities” with some limited support (page 15). The self-assessment also identifies opportunities for further improving the engagement agenda, including better management of systems and relationships, alignment of activities with other areas of the university, and more strategic selection of engagement partners.

**Recommendation 1**

The School, as a whole and not merely through the Dean, should engage more broadly and deeply with the Greater Western Sydney (GWS) legal profession, the courts, with government agencies such as the Australian Taxation Office (ATO), and with industry.

\(^{12}\text{MyVoice survey, conducted at UWS 19 March to 5 April 2012}\)

\(^{13}\text{School of Law Self-assessment Report to the 2012 Review of UWS School of Law, page 15}\)

\(^{14}\text{School of Law Engagement Strategy 2007-2011, page 9, item (o)}\)
Many good examples of engagement were presented in the self-assessment, and it is noted that all the engagement activities of the School are being recorded on the Tracking and Improvement of Community Engagement (TICE) database. Exemplars include secondary schools engagement activities; membership on various external boards and committees; involvement with the Western Sydney Compliance Group; provision of Continuing Legal Education (CLE) training; and involvement with the PCJC, Macquarie Legal Centre in Parramatta, the Macarthur Legal Centre in Campbelltown, and the South West Sydney Legal Centre in Liverpool. Other exemplars include pro bono work undertaken by the School in the area of Elder Law, as well as with the Sudanese community court assistance scheme at Blacktown Court. The Panel is impressed by the various appointments of School academics as distinguished legal scholars, noting that these appointments span engagement on a local, national or international level.

Engagement with local secondary schools in particular is being well conducted and – whilst still in its infancy – represents an important engagement activity for the School of Law. Notable examples include sponsorship of the Premier’s Debating Challenge for Year 11, and presentations to secondary schools in GWS on topics such as legal rights and careers. Suggestions for further enhancing engagement with secondary schools in GWS were received from external partners met by the Panel. These included mentoring high school children on topics such as ‘the law of contract’, ‘the legal responsibilities of citizens’, and even ‘human trafficking’ and ‘arranged marriages’. External partners expressed willingness to work with the University (and Department of Education) in offering such programs. Another suggestion worth pursuing relates to the School's offering work experience to high school students in GWS.

The Panel heard concerns from staff, students and external partners about the perceived weakness of the ‘UWS Law’ brand in the market, as well as weakness of the UWS brand in general. Students met by the Panel also expressed disappointment that, so it was claimed, UWS law graduates are not able to compete for jobs at law firms against graduates of other law schools in Sydney (especially those from the University of Sydney and University of NSW). To address this, representatives of external organisations commented on the opportunity that engagement presents to strengthen the UWS/Law brand. With reportedly 150 of the top 500 companies in Australia based in GWS, there is untapped potential to engage with, for example, the General Legal Counsels located in a large number of major organisations. Such people can significantly influence perceptions and for this reason the School should actively seek to develop closer relationships with them.

In the School’s self-assessment, engagement is correctly identified as an important marketing differentiator that can support the positioning of the School against its major competitors. While it is noteworthy that external organisations met by the Panel commented that the engagement activities of the School of Law had improved dramatically in recent years and that the School has become genuinely outwardly looking, the Panel strongly supports, as a matter of priority, the School’s intention to undertake greater strategic planning in this area and encourages the School to look externally for ongoing guidance and expert advice. This would include the development of structured, proactive ways of securing recruitment and placement opportunities in law firms within GWS. The Panel note that the School’s Community Engagement Committee (circa 2007) is no longer in existence and that – unlike other Schools at UWS – there is no Director of Engagement position within the School (and that this is acknowledged by the School in the self-assessment).
Recommendation 2

The School should appoint a Director of Engagement and constitute an active and engaged advisory committee to provide it with advice and to enhance its engagement with the legal profession (including the major firms in the City of Sydney) and other bodies and organisations with an interest in the law, or legal education.

The value of developing and nurturing contacts with alumni and employers of UWS graduates should not be underestimated. The Panel heard of several examples where local law firms had employed UWS graduates and been pleasantly surprised that these recruits had developed into some of their best-performing employees. The academic standard of UWS law graduates was also praised by the external law firms met by the Panel. The School is encouraged to broaden summer clerkship opportunities for students by expanding and nurturing links with local law firms. These links should be quantified and reported annually.

The Panel was impressed with the School’s excellent levels of media coverage, and notes its intention to further expand its activities in this respect. In particular, it noted that in its Engagement Strategy 2007-2011, the School explicitly states that it will encourage all staff to “develop relationships (through the UWS Media Unit) with the media, so as to be in a position to provide expert public commentary on key legal issues on a regular basis”. The Panel congratulates the School on the achievement of this goal and the strategic approach taken by the School in securing extensive and often prominent media coverage. Media coverage has involved a wide range of School academics (fourteen since 2007), and has required a collaborative working relationship with the UWS Media Office. Such media coverage is commendable and is beneficial to the entire University.

Commendation 2

The Panel commends the School on its excellent engagement with the media.

2.2 Engaged learning and teaching

The Panel heard that there is ambiguity in use of terms such as ‘engaged learning’ and ‘engaged teaching’ and that this is an institutional-wide issue. As previously mentioned, such issues will be addressed in the University’s current thematic review of community and regional engagement. The School has an External Advisory Committee for its teaching...
programs, although the Panel was disappointed not to have had the opportunity to meet any representatives of this group.

In the School’s Strategic Plan 2012-2014, an explicit goal is to “embed engaged learning through relevant community and international experiences”, and that this will be achieved primarily through “the engaged learning opportunities provided through clinical Legal Placement at the Parramatta Community Justice Precinct”. The Panel notes that the PCJC is performing effectively, is an exemplar recognised by other universities, is highly valued by students and represents an excellent model for significant potential growth in the areas of engaged learning (for those law students able to participate) and community engagement (for clients of the PCJC). The Panel was impressed with the School’s vision of offering free legal services to all students at UWS (by replicating PCJC at six locations, possibly with some on campus).

**Affirmation 1**

*The Panel affirms the School’s intention to explore the offering of free legal advice to UWS students.*

The Panel noted the success of School academics in publishing legal texts that are widely used and highly regarded by other universities. This success should be encouraged as it provides a valuable outlet for legal scholarship and presents important branding opportunities for the School and the University.

Students met by the Panel spoke highly of the work of the Law Students Association (LSA) in organising events such as employer presentations. These were clearly well received. However, students expressed a desire for greater opportunities to meet and hear from employers on campus (one comment was “I want to hear from the people we aspire to be”) and for a program of other law related extra-curricular presentations and activities. This plea was made at both the Parramatta and Campbelltown campuses and it appeared to the Panel that introducing such a program would considerably enrich the student experience at UWS.

The Panel considers that extension programs (programs offered collaterally to the delivery of degree courses) can play an important role in broadening the education of students by introducing them to some of the practical, ethical and moral dimensions of the law and legal practice. In this regard, the Panel notes, in particular, the comments by students at Campbelltown campus about their inability to participate in such activities as part of their learning. Indeed, it was suggested that to do this they needed to participate in the activities offered by other Universities in Sydney. For Campbelltown in particular, delivering an effective extension program would also contribute to the development of a stronger sense of community between the School of Law staff and the student body.
Recommendation 3

The School should deliver an intellectually vibrant extension program for all students (including HDR students) and staff which, through means such as lunch-time seminars, podcasts or debates, engages them with important issues and controversies relating to law, justice, and the provision of legal services.

2.3 Engaged research

Community and regional engagement is embedded in the University's mission and vision and the GWS region represents a source of untapped potential for engaged research. In this context the School of Law Engagement Strategy 2007-2011 (page 6) notes that, by focusing on specific research clusters that are based on existing research expertise, the School will encourage opportunities for engagement. The Panel heard that the current number of research clusters (4) is too broad and their effectiveness is diluted by being forced to compete for limited funding. It was informed that, to address this and other issues, the School is currently working to reduce the number of its research clusters to 3; this approach is affirmed by the Panel as is formally noted in the following Chapter 3.

In the School's Strategic Plan 2012-2014, an implicit goal is to “develop engaged research partnerships in GWS” by “allocating financial resources to support the development of ARC Linkage grants, increasing the scope and impact of research in areas of regional priority, and promoting the School's areas of research strength to industry; and government and community organisations in GWS”. The Panel notes that ‘engaged research’ is measured by ‘partnership income’, and is largely dependent on Australian Research Council (ARC) linkage grants. The School’s ability to secure such grants was acknowledged to be weak, although the Panel notes that this is typically an area of difficulty for the newer law schools and an issue for UWS generally. These issues are discussed more fully in Chapter 3.

Recommendation 4

The School should more energetically pursue opportunities for securing research linkage grants in collaboration with local partners such as the Parramatta office of the Australian Taxation Office (ATO).
Chapter 3: Research [TOR 2]

It is clear from the School's self-assessment and the briefings provided by the University, that research performance and reputation are considered to be important factors for the School of Law in its future positioning within the Sydney market. The Panel agrees. In the context of the UWS mission in GWS, the keys to the School’s competing successfully with other institutions are its relationships and partnerships with the legal profession and its ability to attract research funding, high calibre HDR students and experienced research active academic staff.

3.1 Research strategy

In its self-assessment the School refers to the School of Law Research Strategy 2007-11, which led to the School's "embarking on a more structured and focused research strategy" (p. 23). The central provisions of the strategy are two-fold, that is to focus on development of a research culture within the School, and to encourage research on “issues of key contemporary or emerging significance” (p.23). In the first ERA national evaluation of Universities, in the single Field of Research (FoR) code of 1801, UWS was ranked at '2' against a national average ranking of ‘2.7’ for the code. The School self-assessment refers to issues relating to the relatively young age of the School (post-Dawkins) as a mitigating factor, and points out the more optimal circumstances of competitor institutions. The School asserts that it anticipates a ranking of ‘3’ in the current ERA round by virtue of the improvement in research publications in quality journals and the fact the School has placed in the top 15 of Universities in Australia in the 2012 Law Journal17.

UWS is following a research strategy based on selectivity and concentration, and the Panel notes that a number of research areas of the University have been rated at above world class and well above world class in ERA evaluations. The Panel notes that the School has moved away from ad hoc research to a four pillar research cluster structure, comprising

---

International Governance; Sustainability; Environmental Law; and Social Justice. It can be argued that this structure is difficult to sustain for a relatively small School, especially from the perspective of attracting University funding. As noted above, the School has indicated to the Panel that it intends to examine whether the number of research clusters can be reduced to three. The Panel supports this initiative.

Affirmation 2

The Panel affirms the School’s move from ad hoc research activity towards concentrating such activity in a small number of specialised research nodes. This includes reviewing the current four pillar research cluster with a view to reducing it to three.

3.2 Research performance

According to the School’s self-assessment, in 2011 its research income per staff member amounted to approximately $2,500 which is essentially the same as it was in 2007. The Panel was advised that strengthening external research income is the first order objective in the UWS Research Plan 2012-14. Not surprisingly, therefore, the School in its self-assessment recognises the importance of raising its performance in the area of competitive grants and the relevance of this to improving its competitive position within the Sydney law student market. The School has committed to a particular focus on both ARC Linkage and Discovery Grants, though in the self-assessment the means of achieving this were not developed in detail, other than by reference to increasing the number of grant applications and leveraging with other institutions. During discussions with the external profession the Panel was made aware of potential research relationships with the ATO in Parramatta that should be explored more fully. Recommendation 4 is directed towards this imperative and it is heartening that, in its self-assessment, the School accepted that communication with potential research partners is an area for attention.

During discussions with the School Dean and School researchers, the Panel was informed of a positive focus on research within the School and that quality was improving. The clusters are seen as a strong platform for collaboration within the School and with other Schools. The Dean noted, however, that the research strategy of concentration, while positive for established researchers, made it difficult for new academics to become established as researchers. The Panel understands the need for the University to direct its research funding and support to those areas that will deliver the greatest return and the School is encouraged to respond accordingly. In this regard, the Panel notes the School’s intention to strategically leverage UWS Research Investment Funds (RIF) based on a small and viable set of (perhaps three) research clusters.

In terms of publications, the School makes reference to a plan to improve performance, by using its research clusters, recruiting experienced research active academic staff members.

---

18 School of Law Self-assessment Report to the 2012 Review of UWS School of Law, page 29, table 11
and mentoring. While sound conceptually, the Panel considered that this approach needed to be supported by further detailed planning about how these would increase performance so that the School reached an ERA ranking of ‘3’ (and indeed a ‘4 star’ ranking – its long term ambition).

In terms of research publications, the Panel notes that journal article performance has improved by some 20% over the period 2007-2011, with an increase in emphasis on books over conference papers. This is seen as a positive sign, and the Panel notes the School’s calculations that its ERA weighted output per Full Time Equivalent (FTE) between rounds one and two increased by 44.8%, with only a corresponding increase of 13.9% in the number of eligible researchers. The Panel considers that this trend should be recognised and encouraged within the context of the School’s initial ERA ranking of ‘2’.

3.3 Research staff and research students

The School refers in its self-assessment to an increase of some 50% in the number of staff in the University Research Register between 2004-6 and 2008-10. This has been accompanied by an increase of a similar percentage in the number of School staff with doctoral qualifications completed or pending completion. The Panel considers this to be a positive trend that the School should seek to maintain and build on in the interest of raising its research performance.

The School’s performance with respect to HDR candidates has seen a substantial increase over the period 2007 (6) to 2012 (32.5), with almost all of this increase being of PhD candidates.

Commendation 3

The Panel commends the School on the significant growth (over 400% since 2007) in its Higher Degree by Research (HDR) enrolments.

In its submission the School refers to an intention to further develop the Masters by Thesis program for the legal profession in GWS. While this is a sound strategy, there are implications for the School’s capacity for research supervision that need to be worked through. In this connection, the Panel notes that 18 of the current 42 academics in the School are on the Graduate Supervisor Register, with 10 in principal supervisor roles. The School recognises that this represents a situation where the bulk of the weight of HDR supervision falls on the shoulders of a small percentage of its academic staff. For this reason and because of its potential to increase research output, the Panel notes and supports the School’s policy of requiring a PhD qualification for appointment as a permanent member of staff.
Affirmation 3

The Panel affirms the School’s policy of making possession of a Doctor of Philosophy (PhD) – or of near completion of a PhD – a requirement of appointment.

The Panel met with the professorial leaders of the School’s research clusters during the visit and discussed a range of issues, including the mentoring of junior academics. Discussion centred on the positive change in the research culture within the School over the past five years, with a move towards a more concentrated approach based on areas of research strength. There was also a clear wish for the School to be seen as research-led. Improving performance with respect to grants and publications and building capacity were general themes. Whilst the practical challenges associated with competing externally for larger-scale research grants were understood, confidence was expressed about the School’s ability to meet them. More active collaboration was seen as one way of doing this.

In its self-assessment and during the discussions conducted during the visit, a recurring theme in regards to increasing research performance was capacity building. The Panel notes the School’s plans to build its capacity by recruiting research active staff, academic mentoring by the professoriate and through the provision of training in grant application writing (with assistance from the Office of Research Services (ORS)). Continuing to build capacity in these ways, combined with an active set of research concentrations/clusters and a more strategic and structured approach to building research partnerships with the GWS community, will provide a sound basis for a steady further improvement in the School’s research performance. The Panel notes that across the University, staffing will, with occasional lags, follow the student load, and enrolment growth is a key to appointment of research leaders.
Chapter 4: Learning and Teaching [TOR 3]

Term of Reference 3

The extent to which the School’s Learning and Teaching strategy and performance reflect a student-centred approach, and meet the University’s objectives for the student experience.

In approaching this TOR, the Panel has examined the strategic positioning of the School within the Sydney law student market having regard to University priorities and the level of alignment between the School’s Learning and Teaching strategy and that of the University. At the outset, the Panel notes that the briefing it received from the University indicates that the School of Law is recognised as producing graduates that are well regarded within the legal profession. Indeed, it was advised that some employers prefer UWS law graduates because of their level of work-readiness and practical legal skills. This was seen by the Panel as a very positive outcome of the School’s existing learning and teaching strategies and was confirmed by the feedback it received during the visit from local law firms who saw UWS law graduates as having very good practical skills which allow them to quickly become effective employees and colleagues.

4.1 Learning and Teaching strategy

In defining its current positioning strategy in its self-assessment, the School refers to its ‘middle ranking’ (p. 2) and distinctly regional character, with a particular emphasis on practical skills and social justice. The Panel is aware of the extent of competition between Law Schools within the Sydney area and the choice available to talented students. It also notes the School’s realistic assessment of being a ‘middle level’ player in this market. In this context the Panel considers that giving the UWS law program a distinctive orientation and focus is an effective competitive strategy and that seeking to build a reputation in the field of social justice is appropriate given the priorities of the University and the dynamics of the GWS region.
Commendation 4

The Panel commends the School on giving its Bachelor of Laws (LLB) a practical legal skills training and social justice focus, and on mapping skills to the units taught within the degree.\(^{19}\)

Perhaps the most visible way in which the orientation of the School of Law is manifest is in the PCJC initiative, where the themes of social justice and practical skills are both extant. There is also clearly a strategic intention for the School to be strongly connected into the legal profession within GWS. The Panel considers that the PCJC, in particular, is a very positive initiative from the point of view of both student learning and community engagement. The Panel had the opportunity to meet with representatives from the PCJC and the legal profession more broadly, and the sentiment expressed in relation to this outreach and legal experience initiative was very positive.

Commendation 5

The Panel commends the School on the establishment and operation of the Parramatta Community Justice Clinic (PCJC), which delivers high quality practical legal training to UWS law students.\(^{20}\)

In conducting the Review, the Panel wishes to support in the strongest possible terms the PCJC initiative for the reasons outlined in this Chapter and Chapter 2. The issue of brand positioning will be an increasingly important one for the School now that it has moved to stand-alone School status under the 2011 restructure. In this respect, the Panel considers that the PCJC program should be embedded into the LLB degree and expanded to allow many more students to participate therein so that it becomes an integral and recognised part of the UWS School of Law character.

Recommendation 5

Noting its value as community engagement and alignment with the School’s social justice focus, the Panel recommends the expansion of the PCJC so that it can provide skills training opportunities for a larger number of students.

\(^{19}\) However, concern was expressed that the School’s emphasis on skills training appeared to be diminishing, hence Recommendation 11

\(^{20}\) The Panel also recommends the expansion of the clinic’s operation; see Recommendation 5
The School refers to the 2012-14 School of Law Strategic Plan, in which the Learning and Teaching strategy for the School is framed by the UWS Academic Standards and Assessment Framework (the standards aspect is considered more fully below under ‘4.2 Curriculum’, and ‘4.3 Student Perspective’). Key areas of strategic focus in the Plan include provision of blended and flexible learning, an emphasis on the first year experience and student retention, as well as student pathways, and the research and teaching nexus.

While the more operational aspects of these areas of focus are examined in detail in later sections of this chapter, the Panel notes that in the strategic area of flexible delivery, student feedback on teaching units indicates a declining ranking in this area (73.5% in 2010 versus 61.9% in 2011). The Panel is aware of the University’s commitment to blended learning, and in this context considers that the School should regard this as an area of priority. In its self-assessment the School considers this as an area of good performance and cites examples of units that have been migrated to ICT-enabled design formats. The School does, however, acknowledges that there is more work to be done in this area and this was borne out in the Panel’s discussions with students, particularly those on Campbelltown campus. The Panel believes that this issue needs to be advanced positively but carefully and in close consultation with students, as the students the Panel met at Parramatta expressed some resistance to moving away from the current three-hour face-to-face format because of perceived quality and student experience issues. In this regard, it did become clear to the Panel that students do not have a well formed perspective on the University’s approach to blended learning and that this should be addressed on a whole of institution basis.

**Recommendation 6**

*Recognising that students learn in different ways and desire greater flexibility in the modes in which they study, the School should comprehensively embrace blended learning as a means of enriching learning and teaching, and of increasing flexibility in program delivery.*

The Panel is aware that the University requires all Schools to develop during 2012 a blended learning blueprint for all courses as well as a strategy for transitioning units and courses to blended design. Key issues in this regard include sourcing of on-line content, development of blended teaching practice, and identification of ICT platforms and support arrangements. The Panel considers that an important enabler of this strategic activity within the School will be the presence of a strong management and academic governance framework. In this regard the Panel notes the importance of the role played by both the Deputy Dean and Directors of Academic Program in the first case, and the School’s Learning and Teaching Committee in the second.
Recommendation 7

The terms of reference of the Learning and Teaching Committee should be expanded to enable the committee to consider and report on matters beyond the Bachelor of Laws (LLB) curriculum; in particular, on all aspects of blended learning and teaching and the academic aspects of program delivery.

From a strategic perspective, the Panel was also interested in the School’s position with respect to growing the student cohort. In its self-assessment, the School refers to having reached an ‘optimum size’ (page 10) in the context of available resources and its desired ATAR range. The School appears to recognise that this position is at odds with the UWS strategic intentions around growth, which is very much framed within the context of the University’s mission in GWS (the fastest growing peri-urban setting in Australia) and community expectations about provision of educational opportunities. The Panel recognises that the student demand for the School’s LLB and related and double degree programs is relatively high and steady, and recommends that the School review its position with respect to growth. However, this recommendation is made on the proviso that growth is appropriately funded and that the School is able to prescribe a minimum ATAR, set at the level judged to be the minimum needed for a student to successfully undertake LLB level studies.

Recommendation 8

Assuming the School is able to prescribe appropriate minimum Australian Tertiary Admission Rank (ATAR) entry levels and on the basis that UWS Schools’ funding is linked to Equivalent Full Time Student Load (EFTSL) and corresponding expenditure, the School of Law should seek to increase its enrolments in accordance with the University’s growth targets. This will be assisted by using pathways outside the ATAR system and by introducing the Juris Doctor (JD) as per Recommendation 9.

In concluding the discussion of the strategic settings for the School, the Panel believes it is important to recognise the feedback from representatives of the legal profession in GWS during the visit about the quality of UWS graduates and their level of work-readiness and practical legal skills.
Commendation 6

The Panel commends the School on its reputation within the Greater Western Sydney (GWS) legal community for producing high quality graduates who are work-ready with well developed practical legal skills.

4.2 Curriculum

In its self-assessment the School refers to a curriculum review conducted in 2007. The Panel notes that this review focussed on the make-up and sequencing of units in the LLB degree, as well as alignment of the law graduate attributes across the law program with assessment modes. The review also generated a number of recommendations relating to the make-up and weighting of assessment, and established a three hours per week format for first year students, with a recommended class size of not more than 30 students. In the 2007 review there was also a clear intention to move to blended learning formats across the whole law curriculum. Notwithstanding this outcome from the earlier review, as indicated in Section 4.1, the Panel considers that the potential for blended learning design has not yet been fully realised within the School’s programs.

The Panel had the opportunity during the Review to reflect on the LLB curriculum, whilst noting that this is presently being examined by the School. In terms of the course structure, the School provides two stand-alone LLB programs (graduate and non-graduate entry), as well as some seven double degrees, with a further two in the planning stages. It is clear that the School recognises the potential for the LLB to be an attractive partner discipline with a wide range of other discipline contexts and has cooperatively worked within the University to realise this potential. The Panel considers that the approach being taken by the School is a positive one, especially in view of its self-described ‘middle ranking’ position within the Sydney Law School market.

Commendation 7

The Panel commends the School on the range of its combined degree courses (seven in 2012) and for its plans to introduce, collaboratively with other Schools, a further two combined courses during 2013-14.
The School’s self-assessment refers to a strategy for continuous review of courses and units that are attracting low enrolments. This has seen a number of offerings at Masters level being rationalised, or terminated, and new arrangements made within the Graduate Diploma in Legal Practice (GDLP) for units to be taken through the College of Law. This initiative is commended by the Panel as being essential to ensuring that the School’s limited resources are used optimally and that its major programs are supported to the best of its ability.

Commendation 8

The Panel commends the School on the rationalisation of its coursework Master of Laws (LLM) and Practical Legal Training (PLT) programs in the face of external constraints and limitations, noting that it has made difficult decisions very sensibly.

Notwithstanding the focus which has been given to rationalising Masters programs, the Panel considers that there is scope to reduce the electives available in the LLB program and to make the offering of elective units more consistent between Parramatta and Campbelltown campuses. This is an important issue from a number of perspectives including the management of teaching logistics across the campuses, equity in campus offerings, staff workloads, freeing up time for staff research activity, and containing teaching costs. Rationalisation of electives will also allow for better alignment with student interests, including focusing of practical legal skills and access to justice. As an example, students met by the Panel suggested introducing a unit on ‘Statutory Interpretation’. The Panel feels it is most important that unit rationalisation and the balancing of electives between campuses be undertaken in conjunction with its examination of the LLB curriculum and the work that is soon to be carried out within the University on developing blended learning initiatives for units and courses. In this connection, the Panel notes that greater use of ICT-enabled learning has the potential to improve access to, and the efficient and equitable delivery of, elective units to the entire student body.

Recommendation 9

To facilitate an expansion of blended learning and increase the time staff members have for research, the School should significantly reduce the number of alternate (elective) units offered in the Bachelor of Laws (LLB), focusing on those that attract significant student interest and, wherever possible, are in areas of research strength.

In the context of the School of Law’s emphasis on practical skills and producing job ready graduates (some 60% of graduates go on to practice law), the Panel considers that in the postgraduate area the School should examine the feasibility of introducing a JD program.
This would represent an important adjunct in preparation for the profession. Within a blended learning typology there would seem to be scope to make such a program available in multiple flexible modes.

**Recommendation 10**

*The School should convert its graduate entry Bachelor of Laws (LLB) degree into a graduate entry fee-paying Juris Doctor (JD) degree, taught and delivered flexibly, thereby making it accessible to part-time as well as full-time students.*

The Panel makes the JD recommendation with a cautionary note which has arisen during discussions with the Dean and teaching staff in which there is an indication that the overall emphasis on practical skills has been reducing within the curriculum for the School of Law. The view was put to the Panel that skills are only a prominent aspect of core units, and the observation was made that this is somewhat at odds with the traditional orientation of the UWS Law qualification. The Dean has indicated an intention to review this situation. The Panel encourages the retention and reinvigoration of practical skills in the curriculum.

**Recommendation 11**

*Practical legal skills training should remain a focus of the Bachelor of Laws (LLB) (and be incorporated into the proposed Juris Doctor (JD) degree) and be appropriately embedded in the degree and resourced.*

The School has identified assessment and feedback as areas for attention and this is borne out in student feedback data. The Panel supports the School’s intention to provide further focus in this area, noting that some 40% of the units presented in Spring 2011 featured more than three assessment items, and in some cases five and greater. The Panel is aware of the work the University has done in the area of assessment generally through the 2011 Australian Universities Quality Agency (AUQA) review and makes the observation that reviewing assessment quantum as well as the number of unit offerings has the potential to assist with overall resource management in the context of teaching workload.

**Affirmation 4**

*The Panel affirms the School’s intention to increase its focus on improving assessment and student feedback arrangements.*
4.3 Student perspective

The Panel notes that student demand for the UWS LLB steadily increased in the period 2008-2011 across all ATAR ranges (90+ ATAR = 85% increase; 70-89 ATAR = 32% increase; 55-69 ATAR = 25% increase)\(^{21}\). Over this period Equivalent Full Time Student Load (EFTSL) has also increased by some 60% and student enrolments by a similar figure. The School is currently meeting the UWS low-SES participation target at 22.8% of domestic students and participation of Indigenous students has almost doubled over the period 2008 (11 students) to 2011 (20 students).

In its self-assessment, the School identifies a number of areas in which it considers that it has performed well. The first of these is its first year students program, based around the First Year Advisor role and the Law Orientation Program. Another is the first year retention rate in the LLB degree where 81% of commencing students are retained. This figure is some 3% higher than for 2010, though it is 5% lower than 2008.

In terms of the overall level of student satisfaction with the LLB, the Panel notes the dramatic improvement that has occurred in the School’s Course Experience Questionnaire (CEQ) performance which has risen from 58.8% in 2008 to 86.4% in 2011. There a break in the data set in the CEQ which accounts for part of the rise, but the relative performance of the School compared with the university sector has shown improvement. Somewhat paradoxically, however, the School’s performance with respect to aggregate overall satisfaction with teaching units has reduced significantly from 84.3% in 2010 to 73.8% in 2011. This may indicate that there are insufficient unit experiences within the Law program that are rated very highly by students to compensate for low performing units. The Panel also suggests that a reduction in unit satisfaction performance in one year should not detract from the School’s overall course satisfaction results. That having been said, unit performance data should be closely monitored by the School and active steps taken to address any problems that it may reveal.

**Commendation 9**

*The Panel commends the School on its improved Course Experience Questionnaire (CEQ) results and its program of unit reviews and reports.*

On the question more broadly of obtaining student feedback on teaching units the Panel considers that the current ‘manual’ process involving completion of forms in class be replaced by an on-line regime that students complete out of class time. The goal is to ensure a more comprehensive and reliable response from students and provide the School with more valuable data, and the University should investigate ways of moving to online evaluations without a drop off in response rates.

\(^{21}\) School of Law Annual Course Report (ACR) – 2011, page 5
**Recommendation 12**

(*University*) The process for securing Student Feedback on Units (SFU) should be conducted on-line, rather than during class time.

During its visit to UWS the Panel had the opportunity to be briefed on the School's First Year Experience strategy, in particular the student risk initiative and the Law Orientation Camp. These were referred to in the University’s submission to the 2011 AUQA review as exemplars of best UWS practice. In its self-assessment the School observed that ‘The First Year Advisor in Law role has been adopted as a model of first year support co-ordination across UWS’. These initiatives impressed the Panel which commends the School on developing and pursuing them.

**Affirmation 5**

The Panel affirms the School’s First Year Initiative, noting its comprehensive nature and contribution to the School’s improving retention rates for commencing students.

During discussions with teaching staff the Panel was made aware of concerns relating to variability in the level of preparedness of UWS Law students for university study. In this respect the School's First Year initiatives are considered to be quite strategic as an enabler of student success. In the context of the University's intention to continue to grow the student cohort, including a more broad recruitment regime that includes non-ATAR considerations, the Panel considers that the School should move to an earlier assessment and intervention regime as a component of its First Year strategy. In particular the Panel considers that this should take place before students commence their studies.

**Recommendation 13**

Noting the importance of the School’s increasing its enrolments whilst improving its commencing retention rates, a diagnostic tool should be introduced to assess the relevant competencies of all commencing students and provision made for the delivery of programs responding to the needs of those deemed to require assistance.
The Panel recognises the extent to which the School of Law relies on double degree enrolments (some 75-80% of UG load). In discussions with students during the Review it was apparent that in a number of cases the student experience in School of Law units is markedly different from that in units taken in the co-discipline area. While this is not uncommon in universities, the Panel considers that the School should address this issue in conjunction with the double degree student cohort and partner Schools. This will be particularly important in developing blended learning double degree course offerings.

**Recommendation 14**

*(University)* The Panel recommends that, notwithstanding the need for discipline specific learning experiences, the University should ensure as much as possible that the overall quality of the student experience is consistently positive across double degree programs that involve the School of Law.

In its discussions with students over the course of the Review, variability in the student experience between campuses was raised as an issue, and the various dimensions of and contributing factors to this are discussed elsewhere in the report. As a general comment, the Panel considers that the School should review its teaching and program delivery to address this concern as far as possible. Of particular concern in this regard was the suggestion that the experience of students during small group activities was quite variable due *inter alia* to significant differences in the sizes of these groups between campuses. The Panel has made recommendations in a number of areas directed towards making the student experience more consistent between the campuses, including increasing enrolments at Campbelltown and by using blended learning. In this connection, it considers that the work currently being carried out within the University on blended learning provides a good opportunity to review the strength and consistency of the pedagogical underpinning of the School’s teaching and student support.

### 4.4 Teaching

In its self-assessment the School outlined an impressive array of teaching awards and grants (internal and external), as well as initiatives in the scholarship of teaching. The Panel notes also that the Centre for Legal Education has been hosted by the School since 2012. Teaching staff are also strongly connected professionally through a range of Australian Law Teachers Association (ALTA) associations and roles. During the visit the Panel appreciated and enjoyed the opportunity to talk with teaching staff from the School, and was impressed by their passion and commitment. This is considered by the Panel to have contributed in an important way to the improvement in the School’s CEQ ratings of good teaching which have improved by almost 50% over the past four years (from 40.2% in 2008 to 66.1% in 2011).
Commendation 10

The Panel commends the School on the passion of its teaching and professional staff and their commitment to providing students with a high quality learning experience and appropriate support, encouragement and assistance.

Notwithstanding recommendations for improvement, the Panel has commended the School on its commitment to community and regional engagement in respect of its programs (see Commendation 1), and believes that continuing to build its expertise in the delivery of engaged/service learning will be increasingly important to the School in the context of its market positioning as a deliverer of practical legal skills. In this context, the Panel recommends that in its strategic planning around staff skills development, a more deliberate emphasis should be placed on the capacity to facilitate engaged learning. The Panel understands that the University has identified this issue as a priority area to address more broadly, and the Panel is supportive of this.

Recommendation 15

In the context of the University’s intention to develop a more structured approach to the development of engaged learning, in developing its Strategic Plan 2012-2014, the School of Law should increase the emphasis given to engaged learning and address the measures used to assess this matter that are employed by the Australian Council for Educational Research (ACER) in the Australasian Survey of Student Engagement (ASSE).
In discussing workforce strategy and priorities, the Panel’s perspectives have been shaped by the priorities identified in the University’s Our People 2015 strategic plan. This identifies the key issues that are and will continue to be, important to the School’s research, learning and teaching. The Panel was briefed on the overall results of the recent University My Voice survey, and these have been factored into the discussion in this chapter and in Chapter 2.

5.1 Workforce strategy

In its self-assessment, the School outlines a workforce strategy that focuses on attracting new academic staff members to meet its growing teaching and research imperatives, with four new staff having commenced or being due to commence in 2012. The self-assessment also states that the School intends to reduce its reliance on casual staff by making, instead, on-going appointments. In addition, the School’s Strategic Plan for 2011-14 refers to its intention to focus on academic staff mentoring and refining its workload policy in the context of growing the School’s research and renewing its teaching programs.

5.2 Workforce demographics

The Panel notes a relatively proportional spread of on-going appointments across academic staffing classifications, by which 50% of appointments are of female staff members. The School has identified raising the diversity of its staffing profile as a priority going forward (so far as retirements, resignations and recruitment allow). Notwithstanding the overall gender balance amongst the academic staffing cadre, the Panel notes the relative gender imbalance at senior leadership levels and the desire of the School to actively address this. The Panel supports this aspiration.
**Recommendation 16**

*To address the current gender imbalance in the occupancy of leadership positions within the School, female academic members should be encouraged to assume such positions and be provided with the support and allowed the flexibility they need to do so.*

The School has reduced its reliance on casual staff from 66 in 2007 to 44 in 2012. The School refers to a Permanent Academic Staff to Taught Load (PASTL) ratio of 42.1, although the Panel notes that when adjusted for casual staff, the actual working student to staff ratio for the School is approximately 26 as reported to the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE), which is only slightly above the UWS average. Strong retention of academic staff in the School has been a feature of workforce management.

**Affirmation 6**

*The Panel affirms the School’s strategy of seeking to reduce significantly its reliance on casual staff for the delivery of its teaching program through unit rationalisation and new appointments (see Recommendation 9).*

The School has indicated that its recruitment policy, in addition to requiring teaching and publications experience, requires a doctoral level qualification for appointment. This approach, combined with an emphasis on reducing reliance on casual teaching staff, will provide a strong platform from which the School can address its challenges in research and learning and teaching.

**Affirmation 7**

*The Panel affirms the School’s strategy of making as many new permanent appointments of experienced and research active academic staff members as its budget allows in order to improve its staff-student ratios and invigorate its teaching and research.*

An associated matter to academic demographics is the current imbalance in the number of students and staff on the Parramatta and Campbelltown campuses. The Panel notes in this regard that student demand at Campbelltown is relatively steady, although demand for combined degrees in the Business areas has fluctuated for both campuses. In a number of respects, referred to elsewhere in the report, the School’s Campbelltown operation needs to be strengthened to ensure that the student experience there is on a par with that provided at
Parramatta and that the resources available to the School at Campbelltown are optimally utilised. This appears to be recognised by the School in its staffing priorities as outlined in its self-assessment. The Panel considers that addressing this issue will require growing the student body at Campbelltown, believing that a vibrant and viable Campbelltown Law campus is important strategically to the University, especially in terms of its growth aspirations and in managing the competitive dynamics emanating from Wollongong University, possibly University of New England (UNE), and on-line providers. The School, in addressing this issue, should think in the short and medium terms (five years) about an appropriate staffing strategy to facilitate growth at Campbelltown. In addition to increasing enrolments and the number of research active academic staff on that campus, blended learning and use of ICT are likely to be key enablers.

**Recommendation 17**

The School should address the current imbalance between the Parramatta and Campbelltown campuses by allocating significantly more student load and more continuing staff to the latter and ensuring that any resulting disparity in Australian Tertiary Admission Rank (ATAR) entry levels is ameliorated by the provision of appropriate teaching and support, and by the development of appropriate pathway cohorts outside the ATAR system.

The Panel notes and supports the School's intention to avail itself of career development fellowships to motivate PhD students towards an academic career at UWS.

### 5.3 Staff development and support

The Panel notes the observation by the School that use of casual lecturers is an important component of ensuring a professionally centred student experience. Notwithstanding this, there will be an enhanced need to focus on training for casual staff in an increasingly blended learning environment. While this is an issue for the University, the School should also factor this into its staff development and support planning.

**Recommendation 18**

The School should ensure that regular and comprehensive training is provided for all permanent and casual staff and, in particular, that they have the expertise they need to provide high quality blended teaching and course delivery.

Further areas for attention in relation to staff training and development are discussed also in the context of Chapter 6 which follows.
Chapter 6: Governance [TOR 5]

In examining the School's governance arrangements, the Panel recognises that this Review has been conducted less than twelve months after a significant re-organisation of the academic delivery arm of the University into a nine-School structure. It was clear to the Panel that the School of Law is still in the process of adjusting to a situation in which the School reports directly to the executive management level of the University and where the Dean is an important member of the senior management group. In the previous structure, the School of Law was merely one of five Schools within the College of Business and to this extent was insulated from engagement with members of the University's senior management group. The Panel realises that, while this School was not one of those where amalgamations of disciplines took place as part of the restructure, the Review comes at a time when the School is still in transition. In this context especially, the Panel recognises the preparation and effort that the Dean and the School have put into preparing its self-assessment and the generally positive and forward-looking way they have approached the Review.

Commendation 11

The Panel commends the School and the Dean on the Self-Assessment Report and the manner in which it was prepared. It provides a balanced evaluation of the history and current state of the School, the challenges it faces and the areas in which improvement is planned or needed.
6.1 Governance settings

The Panel considers that the first order issue of governance is to ensure that the School’s strategic positioning and management aligns with that of the wider University. In this context, the Panel was interested in how the current School of Law operation has come together during and since the amalgamation of the University’s antecedent institutions. The Panel recognises, in particular, that creating a single, unified School from two Schools, each of which had a different emphasis and focus, was a significant task and that this has been achieved successfully in a relatively short period of time.

Commendation 12

The Panel commends the School on its success in integrating its two antecedents and two distinct Bachelor of Laws (LLB) programs into a single, effective and well regarded School and LLB program.

In the background papers and briefings it received from the University, the Panel was impressed by the University’s mission and its emphasis on serving the interests of those living and working in the GWS region. The Panel was also conscious during the Review of the strength of the organisational and individual commitment shown by School staff. Of particular note is their commitment to students from less advantaged backgrounds (in particular, low-SES and Indigenous) who, for reasons often related to family circumstance, are not as well prepared for University as other students might be. In this context, the Panel recognises the success of the School of Law in attracting low-SES students and supports the increasing emphasis on assisting Indigenous students that is flagged in its self-assessment.

Commendation 13

The Panel commends the School on its success in attracting students from low socio-economic status (SES) backgrounds and increasing its emphasis on Indigenous students, noting the alignment of its success with the University’s commitment to widening participation in higher education.

While the Panel found that there was an alignment in broad terms between the School’s Learning and Teaching and Research strategies and institutional settings, a significant concern for the Panel lay in the clearly stated preferences of the School not to pursue the growth of its student cohort. This is clearly at odds with Board of Trustees (BOT) resolutions taken in 2010 and 2011 and reaffirmed most recently for 2012 and beyond. From the School’s self-assessment, it appears that the rationale for this position relates to concern about the adequacy of the resources made available to the School and a concern to protect the current ATAR floor; more particularly, a commendable concern that the minimum ATAR
required for entry into the LLB should not fall to a level that would see students entering the course who were unlikely to succeed in their studies. These issues are addressed separately under ‘6.3 Financial management’. Whilst appreciating the sincerity and importance of these concerns, the Panel considers that it is untenable for the School to have its strategic settings so fundamentally misaligned with institutional strategy and considers that this must be addressed as a priority. This is particularly so given the important contribution the LLB can make to advancing the University’s social mission in GWS. Expansion of the law program also aligns with the School's emphasis on social justice.

**Recommendation 19**

The School should adopt a “whole of University” approach to the issues it faces, recognising that although it is now a separate school, it operates within a wider university community and has a shared responsibility to advance the institution’s mission.

In its self-assessment, the School reflects on its having recently taken on a stand-alone School status following the University decision in 2011 to move away from the previous three-College structure. In this analysis the School notes that it is still in the process of ensuring alignment in a number of areas relating to organisational policies, systems and procedures, and the School mentions in particular the executive and management aspects of this for continuing focus during 2012. The Panel supports the School in emphasising these areas and concludes that further raising the strategic planning skills of senior School staff will be an important enabler in this regard.

The Panel considered that overall the School needs to understand that its newly found stand-alone status comes with opportunities as well as challenges. The School needs to build its student load income to help maintain some of the economies of scale it may have previously enjoyed as part of the largest University College. As pointed out elsewhere in its self-assessment, it also needs to grow its fee-based income.

**Recommendation 20**

The School should ensure that the members of its management and budgetary team – including professional staff – have the knowledge, skills and competencies they require to operate as a stand-alone school within the University and to advance its research, learning and teaching, and external engagement agendas.
6.2 Organisational systems

In considering the issue of organisational systems, the Panel explored during the visit the dynamics by which the School manages its teaching program, and the associated financial aspects. From the point of view of the teaching program per se, it is evident that the School has a commitment to addressing quality issues within a continuous improvement model. This work was framed by the School in terms of its importance to the student experience and in influencing student retention and therefore the School’s financial viability. During the Review the Panel had the opportunity to examine in detail the managerial processes and systems that support the delivery of an effective academic program.

**Commendation 14**

The Panel commends the School on its commitment to self-improvement, evident in its 2007 Bachelor of Laws (LLB) curriculum review and 2009 implementation report and in its 2011 Annual Course Report (ACR) and responses to Student Feedback on Units (SFU) surveys.

6.3 Financial management

The Panel notes the discussion in the School’s self-assessment concerning the limited opportunities that exist for expanding its PG offerings. The Panel agrees. However, in relation to financial management it notes that in Chapter 4 it recommends the introduction of a fee-paying JD program as an important extension to the UG program. More generally, it also suggests that, once the School settles into its new rhythm as a stand-alone School, it should explore as a standing order of business seeking and pursuing opportunities for securing non-government sources of income.

**Recommendation 21**

In line with University imperatives, the School should seek to increase its non-government revenue by, for example, the introduction of a fee-paying graduate entry Juris Doctor (JD) degree program, and by a range of other initiatives.\(^{22}\)

It was evident to the Panel from the School’s self-assessment and subsequent clarifying data that there is a fundamental difference of understanding about the basis upon which the School is funded by the University *vis-a-vis* the income it generates from student load. In discussions during the visit with University senior executives, the Panel was satisfied that the

\(^{22}\) See Recommendation 10
The funding of the School of Law was consistent with broad UWS practice and modelling in this area. The Panel does, however, note that the allocation model being used has been the subject of frequent variation over the past few years and this may be contributing to the lack of a shared understanding between the School and the University in this area. The Panel notes moreover that this lack of understanding appears to centre on the way funding is associated with EFTSL, vis-a-vis student numbers.

From the UG perspective, the School should also look for opportunities to build the student body through pathways that do not involve compromising its ATAR floor. These include UWSCollege, as well as other potential pre-University pathways such as TAFE.

**Recommendation 22**

*To secure and strengthen its financial base, the School should more actively pursue an increase in undergraduate enrolment through pathways arrangements that, ipso facto, will not negatively impact its Australian Tertiary Admission Rank (ATAR) entry levels.*

The Panel was made aware during its visit to UWS that an issue for the School is that it was funded for 2012 on the basis of student load that was not realised. In this context, the School is regarded as being in financial deficit and the University has sought from the School a strategy for addressing this. The Panel considers that recommendations made elsewhere in this report about rationalisation of units and reviewing quantum of assessment would assist in this regard. The Panel clearly sees the issues of financial management and service delivery as being interlinked, and at the same time recognises that as a new stand-alone School there may well be some way to go with developing the skills and capacity of the School executive and administration to effectively manage the planning, decision-making and monitoring around these issues.
### Acronyms and Abbreviations of Titles

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACER</td>
<td>Australian Council for Educational Research</td>
</tr>
<tr>
<td>ACR</td>
<td>Annual Course Report</td>
</tr>
<tr>
<td>ALTA</td>
<td>Australian Law Teachers Association</td>
</tr>
<tr>
<td>ARC</td>
<td>Australian Research Council</td>
</tr>
<tr>
<td>ASAF</td>
<td>Academic Standards and Assessment Framework</td>
</tr>
<tr>
<td>ASSE</td>
<td>Australia Survey of Student Engagement</td>
</tr>
<tr>
<td>ATAR</td>
<td>Australian Tertiary Admission Rank</td>
</tr>
<tr>
<td>ATO</td>
<td>Australian Taxation Office</td>
</tr>
<tr>
<td>AUQA</td>
<td>Australian Universities Quality Agency</td>
</tr>
<tr>
<td>BOT</td>
<td>Board of Trustees</td>
</tr>
<tr>
<td>CBD</td>
<td>Central Business District</td>
</tr>
<tr>
<td>CEQ</td>
<td>Course Experience Questionnaire</td>
</tr>
<tr>
<td>CFO</td>
<td>Chief Financial Officer</td>
</tr>
<tr>
<td>CLE</td>
<td>Continuing Legal Education</td>
</tr>
<tr>
<td>DIISRTE</td>
<td>Department of Industry, Innovation, Science, Research and Tertiary Education</td>
</tr>
<tr>
<td>DVC</td>
<td>Deputy Vice-Chancellor</td>
</tr>
<tr>
<td>EAC</td>
<td>External Advisory Committee</td>
</tr>
<tr>
<td>EFTSL</td>
<td>Equivalent Full Time Student Load</td>
</tr>
<tr>
<td>ERA</td>
<td>Excellence in Research for Australia</td>
</tr>
<tr>
<td>FoR</td>
<td>Field of Research</td>
</tr>
<tr>
<td>FTE</td>
<td>Full Time Equivalent</td>
</tr>
<tr>
<td>GDLP</td>
<td>Graduate Diploma in Legal Practice</td>
</tr>
<tr>
<td>GWS</td>
<td>Greater Western Sydney</td>
</tr>
<tr>
<td>HDR</td>
<td>Higher Degree by Research</td>
</tr>
<tr>
<td>HRM</td>
<td>Human Resource Management</td>
</tr>
<tr>
<td>ICT</td>
<td>Information and Communication Technology</td>
</tr>
<tr>
<td>JD</td>
<td>Juris Doctor</td>
</tr>
<tr>
<td>LLB</td>
<td>Bachelor of Laws</td>
</tr>
</tbody>
</table>
Appendix A: Review Panel

Following are brief biographies of the five Panel members to the 2012 Review of UWS School of Law.

Panel Chair

Emeritus Professor Philip H. Clarke
Retired Deputy Vice-Chancellor
Deakin University

Philip Clarke is an Emeritus Professor of Law at Deakin University, a consultant to the Australian Catholic University and the principal of Corporate Compliance Australia Pty Ltd. Previously he was Deakin University’s Deputy Vice-Chancellor (Academic) (2009-2010), Pro Vice-Chancellor International (2008-2009), Dean of the Faculty of Business and Law (1999-2008) and the inaugural Head of the Deakin Law School (1993-1999). As Deakin University’s Foundation Professor of Law he was instrumental in establishing and developing its law degree program.

Professor Clarke is a graduate of the Universities of Western Australia and Auckland University. He has extensive teaching experience in the fields of competition law, contract law and consumer protection at the Australian National University, Monash University and Deakin University.

Professor Clarke is an Australian lawyer. He has experience of the law reform process through working as the Director of the Western Australian Law reform Commission and as a consultant on competition law to the Asian development Bank. He is a former editor of the Australian Business Law Review and is currently a member of the editorial Panel of the Competition and Consumer Law News. He is also an auditor with the Tertiary Education Quality and Standards Agency, chairing the audit of the University of New England in 2009 and Edith Cowan University in 2011. Professor Clarke is a Specialist Member of the Hong Kong Council for accreditation of Academic & Vocational Qualifications and was as a member of the panel that audited the University of Waikato in 2010.
Panel Member

Professor Paula Baron
Head
La Trobe Law School

Paula Baron is Chair of the Common Law at La Trobe Law and currently serves as Head of School and general editor of Law in Context. She was previously Dean of the Griffith Faculty of Law in Queensland; and prior to that served as Acting Dean and Pro-Vice Chancellor at Victoria University Wellington, in New Zealand, where she was also the first woman to be appointed professor of law. Paula holds a PhD from the University of Western Australia and has published in Australia and internationally in legal education, contract law, intellectual property law and law and gender issues and is. She is one of a handful of legal academics globally writing in the area of psychoanalytic jurisprudence, that is, the interface of psychoanalytic theory and the law.
Mr Michael Gill
Consultant
DLA Piper

Michael Gill has practiced for over 40 years as a specialist insurance lawyer. He is now a Consultant with DLA Piper, having been with the firm (and its predecessors) for over 40 years. He advises clients on specialist and related issues. The balance of his time is now occupied on insurance related work as President of AIDA (the International Insurance Law Association), a member of the National Board of AILA, and as the Independent Chair of the Code Compliance Committee for the General Insurance Industry, insurance issues as well as managing the firm’s professional indemnity program in Australia, notifications.

He is also occupied with work in the not-for-profit sector, within the firm on the Community Investment Committee and assisting with pro bono activities. Outside the firm, he works with ActionAid Australia and is Deputy Chair of the James Milson Nursing Home & Retirement Village. In over 40 years of practice he handled a wide variety of insurance and reinsurance related issues. He came to be recognised as one of the leading lawyers in the field.

During that period he was also President of the Law Council of Australia and the Law Society of New South Wales, the founding Chairman of the Australian Insurance Law Association, the inaugural Chairman of the Motor Accidents Authority, and Chairman of the Solicitors Mutual Indemnity Fund. He was also Chairman of the firm in Australia.
Panel Member

Professor Maree Sainsbury
Dean, Faculty of Law
University of Canberra

Professor Maree Sainsbury is the Head of School of Law & Deputy Dean (Faculty of Business, Government & Law) at the University of Canberra. She has a BA/LLB (Hons), Grad Dip in Legal Practice, PhD (Tas), Barrister & Solicitor of the Supreme Court of Tasmania and the High Court of Australia.

Maree has over four years experience as a barrister and solicitor. She worked in general practice in Tasmania, mainly in the area of litigation. She also worked with the Australian Government Solicitor in their Commercial Group, Technology and Intellectual Property Branch.

Maree currently teaches in Equity, Advanced Legal Research & Writing & Intellectual Property Law.
Panel Member and UWS Executive Representative

Professor Gary Smith
Pro Vice-Chancellor (Engagement and International)
University of Western Sydney

Professor Gary Smith was recently appointed as Pro Vice-Chancellor, Engagement and International at the University of Western Sydney. He joined the University in November 2010 when he was appointed Executive Dean of the College of Arts. Professor Smith was previously from Deakin University where he was Professor of International Relations, Deputy Dean of the Faculty of Arts and Education, and Head of the School of International and Political Studies. In addition, Professor Smith was Deakin’s Program Director at the Centre for Defence and Strategic Studies at the Australian Defence College and recently a Visiting Professor at Renmin University of China. He is author and editor of articles and books on international relations in the Asia-Pacific, global governance and civil society, and on Australian foreign relations. These include:

- Global Citizens: Australian Activists for Change;
- Australia and Asia: Introduction, Australia and Asia;
- Australia in the World – An Introduction to Australia’s Foreign Relations.
- Threats Without Enemies: Rethinking Australia’s Security
- Micronesia: Decolonisation and US Military Interests.

His current research projects are focused on:

- Australia's regional relations: government, business and society
- Ideas of internationalism in Australia’s approach to the world
- Borders, sovereignty and responsibility in international relations
Appendix B: Terms of Reference

Preamble

The purpose of cyclical reviews is to ensure that university activities contribute effectively to the achievement of UWS’ mission and key strategic objectives. Cyclical reviews are conducted in accordance with the UWS Reviews Policy and Guidelines (2007).

The university takes a “fitness for purpose” approach to cyclical reviews, whereby reviews are framed within the particular context of the organisational unit under review. Reviews have a two-fold focus on current performance and strategic positioning. From the point of view of future positioning, a key consideration in School reviews is to ensure that the School’s planning, performance and quality frameworks will facilitate growth in the student cohort, while enhancing the School’s reputation within the Greater Western Sydney (GWS) and professional communities.

Two important reference points for the Review of the School of Law are to accreditation requirements of the Legal Profession Admission Board (LPAB), and attainment of standards set by the Council of Australian Law Deans (CALD)\(^{23}\).

Terms of Reference

The Terms of Reference for the 2012 Review of UWS School of Law are set out below. Suggested areas for specific consideration are indicated to position and guide the review process.

The Terms of Reference for the 2012 Review of the School of Law are to evaluate and provide recommendations on the following:

1. The extent to which the concept of engagement is at the centre of the School’s Learning & Teaching and Research strategies, and reflects the University’s commitments to engagement with the GWS community.

   (Relevance and effectiveness of strategy for knowledge exchange with GWS community; frameworks for reflecting engagement in curriculum/course design; strategies for ensuring relevance of curriculum to small and medium enterprises (SME), not-for-profit (NFP), and Indigenous employer cohorts; etc)

2. The extent to which the School’s research strategy and performance meet the University’s strategic objective of being research-led.

   (Capacity, quantum, quality and relevance of research activity/focus, including, for example, strategic relationships/linkages with research institutes and centres, integration of research elements in course design, performance of honours and post-graduate research programs,

---

\(^{23}\) The CALD Standards for Australian Law Schools, as adopted 17 November 2009
internationalisation focus, benchmarking and quality assurance arrangements, building of research capacity, pathways and Indigenous access, etc)

3. The extent to which the School’s Learning and Teaching strategy and performance reflect a student-centred approach, and meet the University’s objectives for the student experience.

(Alignment of programs with research on optimising productive student engagement in learning, as well as effective student retention and progression, including, for example, industry relevance of programs, internationalisation focus, capacity to meet student access needs including transition, alignment with Indigenous Education objectives, compliance with UWS assessment policy and self teaching guides; benchmarking and quality assurance in relevant areas, embedding of scholarship of learning and teaching, research nexus, etc)

4. The extent to which the School’s workforce strategy meets the University’s objectives for valuing and rewarding staff; attracts, recognises and retains world-class academic staff; and effectively positions the School to meet future needs and challenges.

(Links between recruitment, development and the key future positioning imperatives for the School, including, for example, workforce mix/diversity - including Indigenous representation where appropriate, capability planning, performance planning and review, career development, cohesion between core and non-core workforce, etc)

5. The extent to which the School’s governance and organisational systems are effective and relevant, and meet the University’s objectives of financial sustainability, operational cohesion and responsiveness.

(Future viability and ability to deal effectively with change, including, for example, environmental scanning, resource and workload planning, key relationships and partnerships, financial planning and performance, alignment with University strategy, etc)
Appendix C: Review Methodology

<table>
<thead>
<tr>
<th>Activity</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Post Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Develop and approve Terms of Reference (TOR)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Approve Review Panel membership</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Develop performance diagnostic reports</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Invite Panel Members and provide copy of TOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Conduct School self-assessment process</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Brief Review Panel members on process</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Invite UWS comments on self assessment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Provide other briefing materials for Panel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Panel considers briefing materials</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Panel visits University (week 30 July to 3 August)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Preparation of Panel Report</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Presentation of Panel Report</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Consideration of Report</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Agreement to Action Plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Follow up on Action Plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. **Develop and approve Terms of Reference**: Using the UWS School Review template based on the *Making The Difference* priorities, OSQ develop draft TOR in consultation with the Dean and PVCs. TOR approved by VC and BOT briefed.

2. **Approve Panel membership**: Dean proposes a list of approximately 5 external Panel members, from which 2-3 are approved by the VC. VC approves Panel Chair.

3. **Develop performance diagnostic reports**: OSQ provides formal advice to Dean about the Review process, including the requirement for a self-assessment to be undertaken. OSQ also provides a diagnostic summary of key areas of strength for the School and areas for potential attention arising from TILT and related data. OSQ also provides a broad outline of the key challenges for the university and the sector. These documents are provided to assist the Dean in addressing both current provisioning and future positioning considerations as specified in the TOR.

4. **Invite Panel members and provide copy of TOR**: Dean makes initial informal contact with external members from the approved list and invites them to be part of the Panel (including one member to be Chair). OSQ follows up preparation of a formal invitation from the VC/DVC. OSQ makes initial contact with Panel Members with a broad outline of the review process, as well as indicative steps and timelines. Panel members are referred to the UWS Review Policy and Guidelines and given university contact points (OSQ staff).

5. **Conduct School self-assessment process**: Dean leads this process within the School, with a view to developing a report which assesses the School’s performance under each of the Terms of Reference. Report is to be evidence based and to reflect action plans in areas where performance improvement is identified. Process should reflect a high degree of liaison with University Program Leaders (PVCs in particular), and the process should be as inclusive as possible of School staff members.
6. **Brief Panel members on process:** OSQ to provide detailed outline of the Review process, and to draw the attention of Panel members to their roles, responsibilities etc as set out in the UWS Reviews Policy and Guidelines. OSQ to also recommend a process for the Panel to follow which will optimise its effectiveness and efficient use of the valuable time of members. Elements of the process are outlined and their relationship explained (eg, self-assessment process; University briefing materials; Panel activity prior to visit; purpose of visit; development and presentation of report).

7. **Invite UWS comments on self-assessment:** OSQ formally invites Portfolio/Program areas to comment on the self-assessment report. In effect the desirable approach is that the Dean has sought input from relevant areas in conducting the self-assessment, so that in most cases this process should involve program areas indicating they support the self-assessment report as it relates to their areas of responsibility (eg, Engagement; Education, Research, Students, Indigenous Education, OPC, CFO, etc)

8. **Provide other briefing materials for Panel:** OSQ to put together a ‘pack’ of performance data relating to the School from UWS systems (TILT etc), and to obtain for the Panel any other information/data considered relevant to its deliberations. This includes a summary of key review/change activities being undertaken or considered by the university that may be of relevance (eg, in areas relating to student administration, or HRM policy and practice, etc).

9. **Panel considers briefing materials:** Using the self-assessment report and briefing materials, the Panel develops a preliminary view about the veracity of the self-assessment as supported by the evidence. Panel requests clarification and/or further data or explanation where necessary. Panel also considers the relevance/quality/achievability of future positioning strategy. Panel identifies issues for potential focus in their report, and for further exploration through a visit to the School.

10. **Panel visits University:** Panel meets with individuals and groups of staff as it determines appropriate. Schedule for visit activities is pre-arranged (to the extent possible) by OSQ to maximise the effectiveness of the time the Panel has available. The final 2-3 hours of the Panel visit are dedicated to the Panel meeting to decide the content of their report so that the OSQ staff member on the Panel can commence the drafting process.

11. **Preparation of Panel Report:** Undertaken by OSQ representative on Panel, in liaison with the Panel Chair and members as per agreed process.

12. **Presentation of Panel Report:** As arranged between the Panel and the university.

13. **Consideration of Report, Agreement to Action Plan, and Follow up on Action Plan:** Dean is invited to comment on the report findings before consideration by University Executive. Action Plan to be developed Dean in consultation with OSQ. Dean to follow up in liaison with OSQ. Progress reports required on a 6 monthly basis until all aspects addressed.
Appendix D: Consultations

Venues and dates of consultations

In a collaborative approach between the School of Law and the Office of Strategy and Quality, the University invited students, staff and external stakeholders to attend meetings with the Panel on 1, 2 and 3 August 2012 as follows:

<table>
<thead>
<tr>
<th>Venue</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney CBD</td>
<td>Wednesday 1 August 2012</td>
</tr>
<tr>
<td>UWS Parramatta Campus</td>
<td>Thursday 2 August 2012</td>
</tr>
<tr>
<td>UWS Campbelltown Campus</td>
<td>Friday 3 August 2012</td>
</tr>
</tbody>
</table>

The consultations provided participants with an opportunity to discuss with the Panel issues raised in the Terms of Reference.

Notes:

1. Not all participants signed attendance sheets. As a result, the following lists are not exhaustive. In particular, attendance records of students, alumni and some of the larger staff groups that met the Panel were not maintained.
2. The discussions held in these sessions helped to inform the view of the Panel and, while notes were taken, there was no formal record kept of these discussions.
3. In addition to consultations at the University, the Panel took part in a teleconference on Friday 27 July 2012, a preliminary Panel meeting in the Sydney CBD on Wednesday 1 August 2012, and a final teleconference on Wednesday 26 September 2012.
<table>
<thead>
<tr>
<th>Attendee Names</th>
<th>Position/Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms Rhonda Hawkins</td>
<td>Deputy Vice- Chancellor, Corporate Strategy and Services, UWS (Acting Vice-Chancellor to 1 August 2012)</td>
</tr>
<tr>
<td>Prof. Kerri-Lee Krause</td>
<td>Pro Vice- Chancellor (Education), UWS</td>
</tr>
<tr>
<td>Prof. Wayne McKenna</td>
<td>Deputy Vice- Chancellor, Academic and Research, UWS (Acting Vice-Chancellor from 2 August 2012)</td>
</tr>
<tr>
<td>Attendee Names</td>
<td>Position/Organisation</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Prof. Michael Adams</td>
<td>Dean, School of Law, UWS</td>
</tr>
<tr>
<td>Dr Susan Armstrong</td>
<td>Senior Lecturer, School of Law, UWS</td>
</tr>
<tr>
<td>Assoc. Prof. Michael Blissenden</td>
<td>Director Academic Program ILU, School of Law, UWS</td>
</tr>
<tr>
<td>Ms Carolyn Chamberlain</td>
<td>LexisNexis</td>
</tr>
<tr>
<td>Prof. Steven Freeland</td>
<td>Co-Director of Research and HDR, School of Law, UWS</td>
</tr>
<tr>
<td>Ms Maria Girdler</td>
<td>Macquarie Legal Centre</td>
</tr>
<tr>
<td>Ms Catherine Gordon</td>
<td>LexisNexis</td>
</tr>
<tr>
<td>Mr Grahame Hager</td>
<td>Australian Taxation Office</td>
</tr>
<tr>
<td>Dr Stephen Janes</td>
<td>Deputy Dean, School of Law, UWS</td>
</tr>
<tr>
<td>Mr John Juriansz</td>
<td>Director of Academic Program LLB, School of Law, UWS</td>
</tr>
<tr>
<td>Dr Margaret Mackisack</td>
<td>Prize Donor</td>
</tr>
<tr>
<td>Mr Jamal Maroon</td>
<td>Jamal Maroon Solicitors, Parramatta</td>
</tr>
<tr>
<td>Mr Warrick McLean</td>
<td>Coleman &amp; Grieg</td>
</tr>
<tr>
<td>Dr John Nelson</td>
<td>External Consultant to the 2012 review of UWS School of Law (appointed by the Dean)</td>
</tr>
<tr>
<td>Name</td>
<td>Position</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Mr Allan O'Connor</td>
<td>AJ &amp; Associates Lawyers</td>
</tr>
<tr>
<td>Mr Paul Rogers</td>
<td>Academic Course Advisor – GDLP, School of Law, UWS</td>
</tr>
<tr>
<td>Mr Len Russell</td>
<td>PCJC Steering Committee</td>
</tr>
<tr>
<td>Ms Natalie Smith</td>
<td>School Manager, School of Law, UWS</td>
</tr>
<tr>
<td>Ms Susana Staka</td>
<td>Champion Legal</td>
</tr>
<tr>
<td>Ms Ann Tout</td>
<td>Executive Director, Office of People and Culture</td>
</tr>
</tbody>
</table>
### Attendee Names

<table>
<thead>
<tr>
<th>Attendee Names</th>
<th>Position/Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prof. Michael Adams</td>
<td>Dean, School of Law, UWS</td>
</tr>
<tr>
<td>Prof. Andrew Cheetham</td>
<td>Pro Vice-Chancellor (Research), UWS</td>
</tr>
<tr>
<td>Dr Stephen Janes</td>
<td>Deputy Dean, School of Law, UWS</td>
</tr>
<tr>
<td>Mr Angelo Kourtis</td>
<td>Pro Vice-Chancellor (Students)</td>
</tr>
<tr>
<td>Mr Peter Pickering</td>
<td>Chief Financial Officer</td>
</tr>
</tbody>
</table>
Appendix E: Program

Following is the program for the on-site visit.

Day 1: Parramatta Campus

9.00 am  Open

9.00 – 9.45 am [45 min]  Dean, School of Law

9.45 – 10.45 am [60 min]  School of Law Senior Management Team

10.45 – 11.15 am [30 min]  MORNING TEA – notes/discussion

11.15 – 12.15 pm [60 min]  School of Law Teaching Staff

12.15 – 12.30 pm [15 min]  Notes/discussion

12.30 – 2.00 pm [90 min]  Lunch with industry representatives and School Advisory Committee members

2.00 – 2.15 pm [15 min]  Notes/discussion

2.15 – 2.45 pm [30 min]  Executive Director, Office of People and Culture

2.45 – 3.30 pm [45 min]  School of Law professional (non-academic) staff

3.30 – 4.00 pm [30 min]  AFTERNOON TEA – notes/discussion

4.00 – 4.30 pm [30 min]  Tour of facilities led by Dean

4.30 – 5.30 pm [60 min]  Students and Alumni (Parramatta campus)

5.30 – 6.00 pm [30 min]  Notes/discussion

6.00 pm  Close
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.00 am</td>
<td>Open</td>
</tr>
<tr>
<td>9.00 – 9.30 am</td>
<td>Pro Vice-Chancellor (Research)</td>
</tr>
<tr>
<td>9.30 – 10.30 am</td>
<td>School of Law Research Staff</td>
</tr>
<tr>
<td>10.30 – 11.00 am</td>
<td>MORNING TEA – notes/discussion</td>
</tr>
<tr>
<td>11.00 – 11.30 am</td>
<td>Pro Vice-Chancellor (Students)</td>
</tr>
<tr>
<td>11.30 am – 12.15 pm</td>
<td>Students and Alumni (Campbelltown campus)</td>
</tr>
<tr>
<td>12.15 – 1.00 pm</td>
<td>LUNCH – notes/discussion</td>
</tr>
<tr>
<td>1.00 – 1.15 pm</td>
<td>Tour of Facilities by Deputy Dean</td>
</tr>
<tr>
<td>1.15 – 1.45 pm</td>
<td>Chief Financial Officer</td>
</tr>
<tr>
<td>1.45 – 3.15 pm</td>
<td>Panel deliberations</td>
</tr>
<tr>
<td>3.15 – 3.45 pm</td>
<td>AFTERNOON TEA with Dean (present initial findings)</td>
</tr>
<tr>
<td>3.45 – 4.00 pm</td>
<td>Final panel deliberations</td>
</tr>
<tr>
<td>4.00 pm</td>
<td>Close</td>
</tr>
</tbody>
</table>
References


For information relating to this report, please contact:

Janelle Tisserand
Office of Strategy and Quality
Email: j.tisserand@uws.edu.au
Telephone: (02) 9678 7861