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Dear Ms Farrelly,

### **Closure of School of Legal Practice: 'Managing Change' submission**

We refer to the recent decision by the Australian National University (**ANU**) to close the School of Legal Practice (**SLP**) and to discontinue the Graduate Diploma of Legal Practice (**GDLP**), the Master of Legal Practice (**MLP**) and the Migration Law program. Pursuant to the 'Managing Change' process initiated by the ANU subsequent to its announcement of the decision, the purpose of this letter is to provide feedback on the decision and the decision-making process undertaken by the ANU on behalf of the ANU College of Law postgraduate student body.

The ANU Postgraduate and Research Students' Association (**PARSA**) is the democratically elected representative body for all postgraduate students at ANU. Following a series of correspondence from students raising concerns about the decision and the decision-making process, PARSA published a brief survey seeking input from all affected and interested postgraduate students. This letter collates and summarises the survey responses, detailing the key findings of PARSA's inquiries.

As a preliminary matter, PARSA wishes to express concerns about the distinct lack of student consultation about the decision. We were surprised and disturbed to see communications sent out on behalf of the ANU indicating that PARSA and the ANU Students' Association (**ANUSA**) were consulted on the decision in recent months, when in fact no such consultation occurred. This letter represents PARSA's first and only formal submission in response to the decision taken unilaterally by the ANU. We understand that a submission from ANUSA is to follow.

### **PARSA's student survey**

The 'PARSA Student Feedback Form - SLP Closure' was published on 28 August 2019. The survey was promoted on PARSA's social media channels, and a link to the form was sent out to all postgraduate law students on PARSA's current email list. The survey comprised the following questions, containing a mix of multiple-choice and short-answer questions:

1. *What is your current student status?*
2. *What is your view of the ANU decision to discontinue the Graduate Diploma of Legal Practice (GDLP) and Masters of Legal Practice (MLP)?*
3. *Please describe any impact that this decision has had on you personally.*
4. *Were you aware of any consultation about this decision?*
5. *What is your opinion of the consultation process undertaken by the ANU in the lead-up to this decision?*
6. *Do you believe that the ANU should offer a qualification enabling admission to legal practice?*
7. *Why did you give the answer above?*
8. *Are you aware of alternative avenues available to ANU students seeking a qualification enabling admission to legal practice?*
9. *Please provide any additional comments here.*

At the time of writing, the survey has received responses from 75 students. The breakdown of participants was as follows: Current MLP/GDLP student (46.7%); Current Juris Doctor student (30.7%); Recently graduated MLP/GDLP student (9.3%); Current Master of Laws/Graduate Certificate of Law student (7.8%); Recently graduated Juris Doctor student (2.7%); Other (2.7%).

### **Feedback received by PARSA**

Views on the decision to close the SLP and to discontinue the GDLP and the MLP were overwhelmingly negative. Of the students who provided a short-answer response to the question seeking views on the decision, 65 were negative, 3 were positive and 3 were neutral. Participants variously described themselves as “disappointed”, “horrified” and “appalled”. This sentiment is supported by the fact that 69 students considered that the ANU should offer a qualification enabling admission to legal practice, while 6 considered that it should not.

Putting the merits of the decision to close the SLP to one side, the underlying theme uniting the students views provided was surprise. Whether they viewed the decision positively or negatively, participants overwhelmingly felt that they had been caught off-guard by the announcement of the SLP’s closure:

*“I was very shocked and didn’t see it coming.”*

*“I am in my final semester of study and was horrified to receive the email - seemingly out of nowhere - stating that the GDLP was going to be discontinued.”*

*“We need more forewarning. [...] It came completely out of nowhere.”*

Contributing to this surprise is the fact that students felt that they were not satisfactorily consulted as part of either the review of the SLP or the decision-making process. Only 2 students responded that they were aware of a consultation process, with 73 students not aware of any consultation. Common sentiments included that the ANU had made a rushed or “knee-jerk” decision, or alternatively that the review of the SLP and the decision-making process were deliberately hidden or withheld from the student body:

*“[N]o consultation and contempt shown to current students.”*

*“It is appalling that the first I heard of a review was when I was advised via email that a decision to close the School of Legal Practice had already been made.”*

*“[I]f it was not an accidental oversight by ANU, it is a sobering and poignant reflection of the arrogance of ANU management.”*

*“I don’t know who is right. The PARSA announcement that said there wasn’t [a consultation process] or the ANU communication that said there was.”*

Many students furthermore felt that the lack of forewarning and consultation by the ANU had led them to make poor decisions on the basis of inaccurate or incomplete information:

*“I had completely organised the next 12 months of my life in anticipation of completing the GDLP at the ANU.”*

*"If informed earlier I would have made a different choice on my subjects."*

*"I feel cheated to the extent that I would have studied JD elsewhere if this were to happen."*

*"I am stressed that I have wasted a significant amount of money and time."*

In addition to the anxiety around the lack of forewarning and consultation, many responses disclosed uncertainty about the reasons behind the decision, suggesting that the explanation provided in the 'FAQ - School of Legal Practice' document published by the ANU was either insufficient, or not taken at face value by survey participants.

*"There isn't enough information to determine if it is good or bad."*

*"[N]ot clear on the reasons why or how they've tried to address the issues with running these programs."*

*"I honestly don't understand why this is being considered as an option."*

PARSA notes that while a number of compelling justifications have been informally provided in response to student inquiries (including by the Dean of the ANU College of Law), these matters were not all raised in the reasons published by the ANU. A number of participants assumed the decision unreasonably prioritised commercial imperatives over other important factors.

*"[I]t is so sad that the ANU clearly doesn't value practical, educational programs and instead wants to focus on its increasingly commercially-focused research outcomes."*

*"This decision, along with the decision to get rid of the juris doctor online, again without consultation, shows they are only after money and kudos."*

*"I understand the reason is solely financial, but it is just so disappointing that ANU would close it down, when School of Legal Practice was the only one to come to regional areas like Townsville for such a long time."*

A number of participants focussed attention on what were perceived to be the distinguishing features of the Practical Legal Training (PLT) programs offered by the ANU, suggesting that the closure of the SLP was leaving significant gaps in the market.

*"ANU PLT programs provide an important pathway for students who are attracted to work in the areas of government and public interest law."*

*"[The SLP] offers flexible and supportive opportunities for students to study in a way which prepares them for legal practice outside urban settings - non-urban areas have drastic lawyer shortages."*

*"I think the calibre of ANU's GDLP program is incomparable to other programs."*

*"I speak higher of ANU than any of my peers do about College of Law."*

Many students expressed anxiety or uncertainty about the alternative avenues available to ANU students seeking a qualification enabling admission to legal practice. 40.5% of participants were

completely unaware of other options. 35.1% of students were aware of other options, but considered these programs inadequate as against those offered by the SLP.

*"I have no idea what my alternatives are at the moment. I'm putting it aside to worry about at the end of the year."*

*"[U]ncertain how to be admitted."*

*"The main thought is whether they have found a different mechanism to offer these services."*

*"Could ANU provide a relationship/MOU with seamless transition to another GDLP?"*

Finally, there was also a prevalent concern in the responses that the quality or prestige of the programs currently offered by the SLP will suffer as a result of the decision to discontinue those programs. Some students also considered an exodus of staff and resources during the teach-out period may lead to poor outcomes for students.

*"I feel like there has been a reduction in staff and courses available already."*

*"I have withdrawn from the MLP units I was enrolled in. I don't want to obtain a qualification that the university deems redundant."*

*"Concern about having a degree on CV that is no longer offered/recognised."*

*"This affects quality and applicability of my degree, and I suspect is doing nothing for morale and teaching quality either. I'm disappointed and am uncertain whether I'll even bother finishing my grad certificate."*

On the basis of the responses received, PARSA considers that the ANU should undertake the following actions as a matter of priority:

1. Provide information to current Juris Doctor students about alternative avenues available to those students who seek a qualification enabling admission to legal practice;
2. Provide assurances to current SLP students about the steps being taken by the ANU to ensure that the quality of education provided during the teach-out period will not suffer as a result of the decision; and
3. Publish a comprehensive explanation of the reasons for the ANU's decision, containing a greater level of detail and disclosure than the 'FAQs - School of Legal Practice' document;
4. Provide information regarding support services available to students at the College and the ANU, both degree specific and general.

In addition, PARSA wishes to further emphasise the value and importance of student consultation. While we remain neutral with respect to the merits or otherwise of the ANU's decision, it is PARSA's view that the decision-making process was fundamentally flawed from a student welfare perspective. We consider that the announcement of the SLP's closure would likely have been met with more goodwill if the student body had been afforded an opportunity to provide input before the decision was a *fait accompli*.

Should you wish to review the commentary provided by our members in detail we would be willing to consider providing anonymised feedback.

Regards,

Christopher Skoglund, PARSA College of Law Officer & Zyl Hovenga-Wauchope, PARSA President