



Law Council
OF AUSTRALIA

Office of the President

14 August 2020

Higher Education Reform
Department of Education, Skills and Employment
GPO Box 9880
CANBERRA ACT 2601

By email: Hereform@dese.gov.au

Dear Sir / Madam

Job-ready Graduates Package draft legislation consultation

1. The Law Council welcomes the opportunity to contribute to the consultation on the Job-ready Graduates Package, and the proposed reforms contained within the Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020 (**Job-Ready Bill**).
2. The Law Council acknowledges that the unprecedented crisis of COVID-19 has highlighted vulnerabilities across all sectors of Australia's economy, with the higher education system particularly affected. It is therefore timely to be revisiting the structures and supports within the Australian higher education system with the view to ensuring that it keeps pace with the changing needs of the economy and produces graduates with the skills we as a society require.
3. Despite an appreciation for the intent behind the proposed reforms, the Law Council has concerns with the proposed changes to funding arrangements as set out in the Job-Ready Bill, particularly as they relate to legal studies. The proposed redesign of funding clusters would see a reduction in Commonwealth contributions legal studies by 51 percent, and a subsequent increase in student contributions by 28 percent.
4. The Law Council is especially concerned that the proposed increase in financial contributions for those studying law will act as an impediment for prospective students from disadvantaged socio-economic backgrounds, and will add a further barrier to those who are underrepresented in the legal profession, including those from culturally and linguistically diverse communities and in particular from Aboriginal and Torres Strait Islander communities.
5. Most students studying law in Australia already face an increasingly large financial burden with significant university fees to pay. To further limit the study of law to a narrow sector of society that is willing and able to absorb a substantial increase in fees necessarily limits diversity in perspective and therefore the way our society understands and sees itself, and narrows our vision for an Australia of the future.

6. Further, the Law Council expresses its concern with the proposal to move degrees in areas such as social studies, political science and behavioural science to the highest band of student contribution (a proposed cost increase of 113 percent). These fields are often studied in conjunction with law, and the creation of financial disincentives will serve to diminish the breadth of critical thinking within the student cohort. This will flow through to our society, with less people with the valuable analytical skills acquired in combined law degrees being available to benefit a myriad industries and professions.
7. The Law Council submits that increased access to studies in law has significant public benefit, with law graduates playing active roles across all sectors of the Australian economy and society. As noted by Professor Pip Nicholson:

*A law degree ought to teach graduates to: think analytically, including how to evaluate empirical and logical claims; to marshal arguments; and to succinctly communicate. These are generic skills, imparted through the study of law, which are of as much value in a government policy unit, a business strategy team or a board room, as they are inside a law firm, an in-house counsel office or a barrister or judge's chambers.*¹
8. The Law Council is concerned that the proposed fee increases for law degrees will unduly deprive a significant section of the population from the benefits of studying law and will regrettably discourage participation from by those they lack the financial security to undertake a more expensive law degree.
9. The Law Council understands the need to promote tertiary courses that will drive growth in certain sectors, particularly in a post-pandemic context. However, this should not come at the expense of those who wish to pursue a career in the law, particularly those who may already find the fees difficult to manage.
10. The Law Council therefore recommends that any reform should avoid the outcome whereby studies in certain areas, including law, are subject to financial disincentives designed to promote pursuits in other fields.

Thank you again for the opportunity to participate in this consultation. Should you require any further information or wish to discuss, please contact the Law Council's Director of Policy, Dr Natasha Molt, at natasha.molt@lawcouncil.asn.au, or (02) 6246 3754.

Yours sincerely



Pauline Wright
President

¹ Professor Pip Nicholson, 'Why Law Degrees Matter', *Pursuit* (Online, 9 February 2018), <<https://pursuit.unimelb.edu.au/articles/why-law-degrees-matter#>>.