

LEGAL EDUCATION

The Aboriginal Pre-Law Program (WA and NT)

The number of Aboriginal law graduates in Australia is estimated to be 40. If proportional representation of Aboriginal graduates from law was achieved there would need to be in excess of 1000.

An Aboriginal Pre-Law Program has been implemented by law schools in Western Australia and the Northern Territory. It is a five-week intensive preparatory course designed to increase the number of Aboriginal and Torres Strait Islanders gaining access to and succeeding in law studies. The focus is on the skills necessary to succeed in law studies. It serves a 'catch up and head-start' function and enables an assessment of likely success to be made. The program is modelled on the highly successful Canadian Program of Legal Studies for Native People. It is regional, directed initially to Western Australia and the Northern Territory. It involves all the university law schools in those jurisdictions and all the Aboriginal education support units at those universities.

The Canadian program has been in place since 1973 and has dramatically increased the number of Aboriginal people in the legal profession in Canada.

Background

In 1991 the Australasian Law Teachers Association (ALTA) adopted a resolution supporting the establishment of an Aboriginal Pre-Law Program. Its terms were as follows:

That the Australasian Law Teachers Association supports the establishment of an intensive, short-course, bridging Australian Program of Legal Studies for Aboriginal and Islander peoples at one or more Australian law schools. The course should be a pre-law program specifically directed to the development of the skills necessary to succeed in law school. The executive should seek, in conjunction with Australian law schools, to implement this resolution.

In 1992 ALTA and the Committee of Australian Law Deans supported the holding of a National Seminar to consider the establishment of such a program.

Arising out of the Seminar was support for a regional program where institutions could co-operate in offering it. A factor of considerable significance in the forming of a regional program was the level of expertise and ability in the relevant areas at the law schools of the University of Western Australia, Murdoch University and the Northern Territory University. One of the academics involved had taught in the Canadian program four times between 1974 and 1992.

Another factor was the extraordinary high degree of co-operation, understanding and agreement between the Centre for Aboriginal Programs at UWA, the Aboriginal Legal Service of WA and the law schools of UWA, Murdoch University and Northern Territory University.

On 30 April 1993 the Committee of Australian Law Deans considered the proposal and resolved to back its introduction.

The program was taught for the first time in January and February 1994 at the University of Western Australia law school.

Teaching and assessment

The program provides:

- An intensive pre-law education
- An assessment of likelihood of success in law studies.

The focus is on small group case-book and problem teaching directed to instruction in skills of legal reasoning, analysis and communication. Lectures are not considered an appropriate method of providing a foundation in legal skills. Instruction is most effective in groups which do not exceed 20 students.

The teaching staff consists of teachers and students from law schools involved in the program. As far as possible Aboriginal teachers and students are employed. Elders from the Aboriginal community are also invited to provide support, assistance and counselling.

Subject matter

Three courses are taught:

Legal system and Aboriginal peoples – a course providing an understanding of the Australian legal system, court structure, sources of law, with particular regard to Aboriginal peoples.

Contracts – particularly appropriate for the development of legal reasoning skills.

Criminal law – particularly appropriate for use in WA and NT because of common elements in Code provisions.

Legal writing skills, and to a lesser extent legal research skills, are taught as an essential and integral part of all of these courses.

Administration and funding

The program is supervised by a Committee consisting of representatives of the supporting bodies. The program is managed by co-directors from the host law school and host Aboriginal education and student support unit. In 1994 the host university was the University of Western Australia. DEET has agreed to fund the program's initial operations in 1994 and 1995.

The 1994 program

In 1994, 17 Aboriginal students began the course. They came from all over Western Australia and the Northern Territory. Of these, 12 were recommended for entry to law school at the completion of the course.

The 1994 program has been tentatively assessed as a success by students and staff. An evaluation will shortly commence to enable any modifications and changes to be made when the program is offered again in 1995.

Any long term evaluation must await the success of its graduates in law school.

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