

EQUITY AND THE MELBOURNE MODEL

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From 2008, Melbourne University will replace its undergraduate LLB programme with a graduate-entry Juris Doctor (JD), as part of the *Growing Esteem* Plan (the 'Melbourne Model'). By now, most students are aware of what the Model entails.¹ There are certainly pedagogical benefits to the Melbourne Model, including reduced class sizes, shorter completion time and a more focused student cohort who already have an understanding of the expectations of university. Australia has recently experienced funding shortfall in Universities. In particular, law schools have felt the pinch, receiving the lowest government funding per student of any degree. Underfunding has meant that Universities must look at alternative ways of maintaining a high standard of education. However, as the first US-style graduate-school system in Australia, the Melbourne Model poses a number of questions regarding equity concerns: what is the effect on government income support, what is the effect on the Commonwealth Learning Scholarships scheme, and will there be fair and affordable access to the Melbourne JD?

How will government income support be affected?

Australian students are eligible to receive Youth Allowance or Austudy, subject to certain criteria. Previously, Youth Allowance was available to full-time undergraduate students under the age of 25. Austudy was the equivalent for students over the age of 25. Austudy and Youth Allowance provided students with a 'living at home' and 'living away from home' allowance, and 'rent

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§ ALSA is the peak national representative body for Australia's 28 000 law students. All 31 Law Students' Societies in Australia are members of ALSA. ALSA's primary objective is to represent and promote the interests and concerns of all Australian law students. For more information, visit <http://www.alsa.asn.au>.

¹ For full analysis of the Model, see ALSA's discussion paper at <http://www.alsa.asn.au/?id=36>.

assistance'. In May 2007, the Commonwealth Government announced that it would be extending Youth Allowance and Austudy to 'approved masters-by-coursework' programmes that are required for entry to a profession, or are the fastest pathway to professional entry. It is likely that this will cover JDs across Australia; however, ALSA and the Law Council of Australia are seeking clarification on this point, to ensure that Melbourne JD students have access to income support. Thus, on the incomes support-front, the Melbourne Model will not adversely affect students.

Are the Commonwealth Learning Scholarships (CLS) available to JDs?

In 2004, the Government established the CLS to encourage university participation from low socioeconomic, regional and indigenous students. It did so by establishing two scholarships: the Commonwealth Education Costs Scholarship, worth \$2120 per year, and the Commonwealth Accommodation Scholarship worth \$4240 per year. It is commendable that both are not classified as 'income' for Centrelink or tax purposes, meaning that students receive the full benefit of the scheme. However, the scholarships are available only to undergraduate students. Recently, ALSA sent a letter to key ministers and shadow ministers requesting that the scheme be extended to postgraduate students, to ensure that students at Melbourne University are not disadvantaged.² Currently, the CLS is only available to Commonwealth Supported Place (CSP) students,³ and ALSA will continue to lobby the government to extend the CLS to full-fee students, so that all law students from the aforementioned backgrounds have access to the scholarships. The CLS have a four-year limit, which will deter eligible students from undertaking postgraduate study if they received the CLS during their undergraduate years. If the scholarships are not extended to postgraduates and full-fee students for a period longer than four years, lower socioeconomic, rural and indigenous students will

² The letter is available at <http://www.alsa.asn.au/?id=36>.

³ Commonwealth Supported Place students are those who are eligible to receive HECS.

certainly be worse off under the Melbourne Model, and will be deterred from entering expensive courses, such as law.

Will access be fair and equitable?

In June 2006, following the announcement of the Melbourne Model, the Education Minister, Julie Bishop, took the unprecedented step of allowing Melbourne to move CSP from undergraduate to postgraduate degrees from 2008. However, the cap on the number of full-fee students has also been removed from 2008. In theory, law could now become a 100% full-fee course at any university across Australia. In 2008, 50% of Melbourne's JD places will be CSP funded, and of these, 20% will be awarded on 'access and equity grounds'.⁴ The remainder will be selected based on the LSAT test, previous academic results, and a personal statement. All other places will be offered on a full-fee basis, with a total degree cost of \$81 900. This equates to over \$27 000 per year,⁵ in comparison to \$8333 for a CSP student in 2007.

There are a number of positive equity aspects to the new programme. It is ALSA's view that selection criteria will help students from marginalised backgrounds gain access to the JD programme by not placing emphasis on high school results, which exhibit asymmetrically higher results for those from elite schools. The University has announced that it is expanding the Access Melbourne Scholarship programme, which will provide 100 students across the University with \$5000 for their first year of graduate study, expanding to 200 students by 2011. Whilst it is commendable that Melbourne recognises the need to support lower socioeconomic students, the number and amount of the scholarships will fall far short of ameliorating the prohibitive cost of a full-fee place in law.

Notwithstanding these two positive aspects, there are a number of negative equity consequences. Firstly, FEE-HELP will only cover an \$80 000 loan; hence,

⁴ See <http://jd.law.unimelb.edu.au/go/how-to-apply/tuition-fees/index.cfm>.

⁵ It should be noted that this is the same amount as the full-fee LLB at Melbourne, indexed for inflation.

students will be required to contribute a proportion of their course fees upfront. If students used FEE-HELP to complete their undergraduate course, this proportion will be far higher. At a minimum, the FEE-HELP cap should be increased to \$100 000, in line with the current cap for medical degrees. Secondly, full-fee places allow factors other than merit to be considered in selection. Full-fee places mean that a two-tiered system is developed, whereby the rich can enter the JD as full-fee students, whilst the poor are forced to apply for CSP positions, which are already extremely competitive, or alternatively, shoulder an enormous FEE-HELP debt, on top of their debt from undergraduate studies. Lower socioeconomic students are typically more averse to large debts, and may be deterred from undertaking a JD. Thirdly, those students who do accept a full-fee position will be unlikely or unable to work in lower paying jobs, such as the public sector, rural areas and community or public interest legal centres due to their large debts.

Conclusion

As we near closer to the introduction of the Melbourne Model, the Government continues to adapt its income support payment schemes, and CSP system, and Melbourne continues to expand its scholarship programme. Perhaps the Government will even consider ALSA's request to extend the CLS to postgraduate students. All these attempts to soften the equity implications of the Melbourne Model are commendable. However, the most concerning aspect of the Melbourne Model is the fact that the University was prepared to implement it with no guarantees from the Government that any of the abovementioned changes would be implemented. Whilst the Model undoubtedly has pedagogical benefits, unless the prohibitive cost of a full-fee place is addressed, low socioeconomic, rural and indigenous students will be deterred from, or financially prohibited from, entering the Melbourne JD. It is imperative that Growing Esteem not be the demise of equity at Melbourne University.