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MAKING IBL RELEVANT TO GEN Y

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I INTRODUCTION

This paper looks at the review being undertaken in 2007 of the design and delivery of Introduction to Business Law (IBL), a first year law subject for non law students at the University of Western Sydney (“UWS”). It addresses the inherent constraints upon the unit, in particular the multi campus nature of delivery of the unit and the large numbers enrolled. It also examines assumptions about the characteristics and learning modes of “Generation Y”, the demographic group who comprise a large portion of the UWS student cohort and considers how changing technology can be used to make the subject more relevant, engaging and contemporary.

II BACKGROUND

IBL's birth was a relatively harmonious process. When the federated members of UWS were amalgamated into a unified structure in 2001,¹ the introductory law units of the former federation members, initially designed largely to service accounting students by providing them with an understanding of the fundamentals of law in a commercial setting, were replaced by IBL. Teams of law staff from the law schools in the federation members met to design the units to be offered in the new unified law school.² The School adopted various strategies to meet the academic and administrative difficulties in the delivery of subjects with large enrolments across multiple campuses. Common

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¹ Prior to 2001, UWS comprised a loose federation of three members, UWS Hawkesbury, Macarthur and Nepean with fifty six schools and faculties teaching across six campuses in Greater Western Sydney. It now comprises seventeen schools in three colleges.

² Tracey Booth and I wrote about the challenges of amalgamation in relation to the LLB at UWS and they apply with equal force to the law units for non law students. See Susan Fitzpatrick and Tracey Booth, ‘A New Law School: The Challenges of Amalgamation’ (Paper presented at the Australasian Law Teachers’ Association Conference, Darwin, 8-11 July 2004).

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templates for each unit provided the aims and objectives, essential content, teaching methodology and assessment tasks for the units.

In the initial phase of the amalgamation, local variation in multi-campus units was permitted as long as the number and weighting and general topics for assessment tasks were consistent. This enabled staff at different campuses to retain a sense of ownership and the ability to provide their own flavour to their units. However, in 2002, the University adopted a program of harmonization of courses. In all units, the outlines, course materials and methods of assessment had to coincide.

The impact of this harmonisation program upon staff was not uniform. In some subjects the teaching teams operated in a collaborative way in designing the unit's teaching and learning strategies. However, the academic appointed as unit coordinator could impose a regime not favoured by all members of the team, so for some, the imposition of uniformity of delivery of units was perceived as an undermining of academic freedom.³ The rotation of the position as unit coordinator on an annual or biannual basis went some way to addressing this concern, but the potential for disagreement remained. This was particularly noticeable when the teaching team was dispersed over different campuses.

A challenge magnified by the multi campus delivery has been the moderation of the marking of assessment items. The University put in place measures to address such issues, with School and College Assessment Committees being required to evaluate grade distribution and unit coordinators having to justify outcomes that deviate from the norm.

³ Tony Taylor, John Gough, Valery Bundrock and Richard Winter, 'A Bleak Outlook: academic staff perceptions of changes in core activities in Australian Higher Education, 1991-96', (1998) 23(3) *Studies in Higher Education* 255, 264.

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For IBL, another issue has been that much of the teaching was undertaken by casual staff. Clearly, the casualisation of the workforce is not a unique UWS phenomenon.⁴ Along with cuts to funding and pressure on the student-staff ratio, it seems to have become part of the environment for law schools and higher education generally.⁵ Fortuitously for IBL, a stable team of enthusiastic and experienced casual teachers has been involved with the delivery of the unit. Nevertheless, with units with large enrolments and in a multi-campus context, the need for a core team of full time academics can be a critical issue to the quality of the teaching and learning.

Institutional constraints aside, since amalgamation, student enrolments in IBL have increased dramatically.⁶ In 2007, accounting students, for whom the subject is a compulsory core,⁷ comprise just over half the student cohort undertaking IBL and the remaining students are drawn from over 20 different programs. Despite these developments, there has been little substantive change to the learning objectives, content or assessment of the unit since its formation, apart from some “tweaking around the edges”. For the assessment regime, there are three assessment items, two assignments and a final examination. The textbooks have changed but the topics covered have

⁴ See Sally Kift, ‘Assuring Quality in the Casualisation of Teaching, Learning and Assessment: Towards Best Practice for the First Year Experience’ (Paper presented at the 6th Pacific Rim First Year in Higher Education Conference 2002: Changing Agendas – Te Ao Hurihuri, University of Canterbury, Christchurch, New Zealand, 8 – 10 July, 2002). <<http://ultibase.rmit.edu.au/Articles/march03/kift1.htm>> at 6 February 2008.

⁵ Eugene Clark, ‘Australian Legal Education a Decade After the Pearce Report: A Review of McInnis, C and Marginson, S, Australian law schools after the 1987 Pearce Report’ (1997) *Legal Education Review* 213, 220.

⁶ In 2007, there were over 1200 students enrolled in IBL at the beginning of each semester, with just under 150 students in the summer 2006 – 2007 session. While the largest cohort of students undertaking IBL was at the Parramatta campus, the numbers at the other campuses were not insignificant. At the beginning of the Autumn semester 2007 there were 455 students at the Parramatta campus, 406 at the Blacktown campus, 248 at the Campbelltown campus and 37 by distance education. In the Spring semester 2007, there were 718 students at Parramatta, 275 at Blacktown, 202 at Campbelltown and 126 at the Penrith campus.

⁷ IBL is also a prerequisite for two UWS units necessary for professional accreditation purposes for the accounting students, Law of Business Obligations and Taxation Law.

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remained the same, as has the mode of delivery, three hours of face to face teaching each week via a two hour lecture and one hour tutorial.

III THE REVIEW

A range of factors has driven the process of review. A significant impetus was created by the introduction of a new Bachelor of Business and Commerce degree ("the BBC") in the College of Business. The one degree will replace all the existing Business degrees offered by the College. Scheduled to commence in autumn 2008, under the new BBC, IBL will become a core compulsory unit for every first year undergraduate business student at UWS, so the number of students enrolled in IBL is expected to rise substantially. Coinciding with this, I was funded by the University to lead a project designed to identify and evaluate the appropriateness of assessment modes for interdisciplinary law units in which there are large enrolments, of which IBL is one. This project includes evaluation of web based and e-learning techniques and strategies, to promote effective learning and assessment for large scale interdisciplinary law units of study taught by the School of Law.

IV OUR STAFF

The review process began with the staff. Firstly in identifying and building the team who would anchor the unit in 2008. Towards this end, the Head of School approached a number of staff and an additional full time member of staff was appointed to the team. Meetings were held initially to explain the impact of the BBC and to seek staff input. We were also able to draw on literature⁸ and data collected under my project evaluating the appropriateness of assessment modes for interdisciplinary law units with large enrolments. As part of that project, a survey was conducted upon full time staff involved

⁸ See John Biggs, *Teaching for Quality Learning at University*, (2nd ed, 2003) ch 6 and Lee Dunn, Chris Morgan, Meg O'Reilly and Sharon Perry, *The Student Assessment Handbook: New Directions in Traditional & Online Assessment*, (2004), ch 8

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in the teaching of three units, Law of Business Obligations, Taxation Law and IBL. They were asked to comment on the strengths and weaknesses of the assessment regimes in their units and their use of computer assisted or web based assessment. Whilst the number of staff who completed the surveys was low, follow up meeting with individuals were held so that a picture of the staff and their approaches to teaching and learning was teased out.

Consistent with university data⁹ and with the observation of the Australian Universities Quality Agency in its audit of UWS, that the average age of the University's academic staff is at the higher end of the sector average,¹⁰ the majority of the full time staff involved in teaching these units is in the over 50 years age bracket, the generation born in the post World War II era, from 1946 – 1964,¹¹ the 'Baby Boomers'. At first glance, this observation would seem irrelevant to our review of IBL. Indeed, since experience enriches good teaching practices through reflective and responsive teaching, it would seem counter intuitive to suggest otherwise.

Yet some commentators suggest that the generational divide between the baby boomer academic and Gen Y student will be a significant challenge this decade.¹² Baby Boomers are said to prefer 'learning through being told and reading text, through interaction and practice step by step, one thing at a time, working individually' whereas Gen Y are said to be multi-taskers with 'visual-spatial skills' who prefer to learn through discovery.¹³ Baby Boomers have been characterized as "digital immigrants" since their

⁹ In 2005, 40% of the UWS academic staff was over 50 years. See University of Western Sydney, "*Our People 2015*" *Staffing Strategy 2007 - 2015*, 11.

¹⁰ Australian Universities Quality Agency, *Report of an Audit of University of Western Sydney*, January 2007, 5.

¹¹ Judy Skene, Lisa Cluett and Josh Hogan, 'Engaging Gen Y students at university: what web tools do they have, how do they use them and what do they want?' (Paper presented at the 10th Pacific Rim First Year in Higher Education Conference, Brisbane, 3-6 July 2007, 3)..

<http://www.fyhe.qut.edu.au/past_papers/papers07/final_papers/pdfs/2b.pdf> at 4 February 2008.

¹² Marc Prensky 'Digital natives, digital immigrants', (2001) 9(5) *On the Horizon* 1. .

¹³ Alex McKnight, 'Learning and the Net Generation: Are LAS advisers helping or hindering?' (2005) <<http://academicskills.anu.edu.au/las2005/papers/McKnight.pdf>> at 9 August 2007.

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‘first language’ for learning – lecturing, reading and note taking was a ‘pre-digital’ one.¹⁴ However it is dangerous to generalize and the literature suggests that any assumption that Baby Boomer academics have an unsophisticated knowledge, understanding and use of information and communication technologies (“ICTs”) can ignore ‘a more complex mix of ICT skills and knowledge’ they may hold.¹⁵

Clearly assumptions about the learning styles favoured and utilized by Baby Boomers need to be tested. It would be ironic if the University’s commitment to the role of changing ICTs and their ability to provide flexibility were undermined because of the Baby Boomer academics’ lack of capacity to change. However, a number of the staff at UWS have moved to integrate a higher level of technology into their teaching and within the Law School, as part of its curriculum review process for the LLB, a Blended Learning Sub-Committee has reported on the School’s progress and blended learning mentors have been appointed to assist staff develop online learning activities within the curriculum.¹⁶

V OUR STUDENTS

The next step in the review was to examine our students. They are a diverse population. For example the UWS student cohort in 2005 comprised students born in over 170 countries.¹⁷ There are over 27,000 undergraduates at UWS and around 52% are the first in their family to undertake tertiary education.¹⁸ About 62% of the students were aged under 24 in 2005 and almost 20% enter UWS after completing studies at TAFE.

¹⁴ Prensky, above n 12.

¹⁵ Gregor Kennedy, Kerri-Lea Krause, Terry Judd, Anna Churchward and Kathleen Gray, ‘*First Year Students’ Experiences with Technology: Are they really Digital Natives?*’, Preliminary Report, September 2006. <<http://www.bmu.unimelb.edu.au/research/munatives/index.html>> at 9 Sept 2007.

¹⁶ See John Juriansz, ‘The Challenges of Adopting New Integrated Technology Strategies - Integrating E-Learning and Blended Learning into Existing LLB Units’ (Paper presented at the Australasian Law Teachers’ Conference, Perth, 23 – 26 September 2007).

¹⁷ Australian Universities Quality Agency, above n 10, 17.

¹⁸ University of Western Sydney, *UWS Retention Survey* (2006) 9.

<http://www.uws.edu.au/download.php?file_id=19866&filename=UWS_Retention_Survey_Report_2006.pdf> at 22 August 2007.

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Mirroring a trend identified in Australian Bureau of Statistics (“ABS”) data¹⁹ that in 2004, 49% of full time students aged between 16 and 29 were in employment, many of the full time students at UWS are also in the paid workforce. Research at Charles Sturt University suggests that first year students there are typically employed for 10 - 15 hours per week,²⁰ and although there is no data about the hours of paid employment undertaken by current full time UWS students, employment commitments were identified as one of the most important reasons for withdrawing from UWS before the end of first year by 32.9% of students who completed the University’s First Year Exit Survey for 2006.²¹

The attitudes of students towards teaching and learning at UWS can be gauged from a number of sources including the UWS Student Satisfaction Survey 2006 (“the SSS”), completed by around 7,000 students currently enrolled at the undergraduate or postgraduate level of study. Whilst the information obtained from this survey is not confined to IBL students, it does provide useful qualitative and quantitative data to identify key areas of good practice and areas that students perceive need attention.

Two key areas stand out from the SSS as of particular relevance to the review of IBL, feedback on assessment and learning resources, in particular the provision webCT, the online learning management system used at UWS that has now been replaced by Blackboard. Promptness and quality of feedback on assessment attracted a high importance rating on the SSS but it received a low performance rating and the unfavourable comments about assessment practices outweighed favourable ones. It

¹⁹ Cited in Rebecca Cassells and Ann Harding, "Generation whY" *AMP.NATSEM Income and Wealth Report*, July 2007, 7.
<http://melbourneinstitute.com/hilda/Biblio/ophd/natsem_issue_17_gen_whY_cassells.pdf> at 9 August 2007. The source of the data was the ABS 2003 – 2004 Household Expenditure Survey.

²⁰ Kerri-Lee Krause, 'The Changing Student Experience: Who’s Driving It and Where is It Going?' (Keynote paper presented at Student Experience Conference: Good Practice in Practice, Charles Sturt University, Wagga Wagga, NSW 5 – 7 Sept 2005).
,<http://www.griffith.edu.au/centre/gihe/aboutus/klk_publications/StudExpKeynote05.pdf> at 4 February 2008.

²¹ University of Western Sydney, *UWS First Year Student Exit Survey* (2006).
<http://www.uws.edu.au/download.php?file_id=18969&filename=UWS_Exit_Survey_2006_Final_Jan23_2007_2.pdf> at 22 August 2007.

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would be inappropriate to surmise on the perceived learning styles of Gen Y from the SSS data since no analysis of the student responses has been undertaken on the basis of age. Nevertheless, the data has been analysed on the basis of the mode of enrolment and in relation to academic issues such as the perceived adequacy of assessment practices, there was no discernable difference between the responses of the evening students who comprise more mature age students than the full time cohort who comprise a majority of school age leavers.²² In light of this response, it is timely that assessment is one of the key strategic areas for 2007 under the University's Teaching and Learning Plan 2006 - 2008, and issues relating to the quality and promptness of assessment feedback will be addressed in the review of IBL.

By contrast, services provided by the library and the provision of webCT for online access were both ranked as of high importance and both ranked highly on performance by UWS students. The improvements in these facilities reflect the efforts by the University to enable students to 'study at their own pace' and these are clearly valued by students. Faced with data such as this and concerns expressed in the First Year Student Exit Survey 2006 about the inflexibility of timetabling, the University has emphasizing a need to move to a "flexible and responsive approach to learning design ... and increased use of self teaching materials which enable students to 'learn in their own time'".²³ This response to the student concerns is also a factor relevant to the review of IBL.

VI GENERATION Y (GEN Y)

"Net Generation", "Digital Generation", "Microwave Generation" and "Millennials" are all labels describing the demographic group born roughly between 1980 and 1994²⁴ and place them squarely in the Information Age within which they were raised. Described as

²² Interview with Mahmood Shah, Senior Project Officer (Quality and Evaluation), Office of Planning and Quality, University of Western Sydney (Telephone interview, 5 February 2008).

²³ University of Western Sydney, above n 18, 3.

²⁴ Joel Hartman, Patsy Moskal, Chuck Dziuban, 'Preparing the Academy of Today for the Learner of Tomorrow' in Diana Oblinger and James Oblinger (eds) *Educating the Net Generation* (2005) 6.4 <www.educause.edu/educatingthenetgen/> at 9 August 2007.

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‘technology veterans’, the literature suggests this generation of students that has grown up with computers, doesn’t see the internet and technology as tools but as an integral part of their lives.²⁵

With over 60% of the students at UWS aged under 24, one must consider whether there are characteristics and learning styles peculiar to the Gen Y demographic group which would support the modification of the teaching and learning environment to accommodate their preferences. Some commentators point to ‘generational preferences’ regarding learning styles, baby boomers preferring “face-to-face delivery of learning materials; Gen X (1965 – 1979) want independence and Gen Y want community and interaction.”²⁶ Hartman et al suggest the term ‘bricolage’ describes the learning style of Gen Y, assembling knowledge through ‘a bit of this and a bit of that’.²⁷ Others argue there is a paucity of empirical evidence to justify assumptions about the learning styles of Gen Y.²⁸

Early academic research on library use led by academic librarians in North America concerned that the ‘gate count’ in libraries was down has thrown light onto the research practices of Gen Y. Students prefer to use the internet rather than go to the library and prefer the internet as a primary source of information. The research also suggests there has been a decline in the quality of information resources²⁹ since students have little idea of how information is produced or organized. Information is commodified as quality is compromised in favour of convenience. Just as one would approach an ATM machine for cash, the Y Gen want to retrieve information quickly and easily.³⁰ While information may be easily accessed on the internet, students seem to settle for right or wrong answers

²⁵ Susan Gardner and Susanna Eng, ‘What Students Want: Generation Y and the Changing Function of the Academic Library’ (2005) 5(3) *Libraries and the Academy* 405, 411.

²⁶ Skene et al, above n 11, 3.

²⁷ Cited in Skene et al, above n 11, 3.

²⁸ Kennedy et al, above n 15.

²⁹ Wendy Holliday and Qin Li, ‘Understanding the millennials: updating our knowledge about students’ (2004) 32 (4) *Reference Services Review* 356.

³⁰ Gardner and Eng, above n 25, 412.

rather than pursue more contextual and reflective knowledge.³¹ It has also been suggested that reading from the net is really “scanning” rather than “reading”.³² This reinforces the perceived inability or lack of inclination of Gen Y students to read complex in-depth material. These rather ominous findings remind us of the importance of the academic ensuring research tasks seek more than mere reproduction of information and working with the librarian to produce clear research guidelines and in designing learning tasks that carefully scaffold the research skills required.

Significant steps have also been taken to fill the research hiatus regarding the learning styles of Gen Y in the Australian higher education sector by university student support units.³³ Preliminary findings of a study undertaken last year has provided valuable data documenting the experiences with ICTs of first year students at Melbourne University.³⁴ The survey of around 2000 students regarding their access to, their use of and proficiency in a range of ICTs revealed a lack of homogeneity in the first year students and ‘the stereotypical depiction of the digital native – wired and wireless 24/7’ was not supported by the study.³⁵ It even suggests there could be a potential digital divide between the students.³⁶ Clearly further empirical research will be valuable to assist assessing the scope and place of new technologies in teaching and learning.

VII THE ROLE OF INFORMATION AND COMMUNICATION TECHNOLOGIES IN IBL

Initially, the online environment for IBL was seen as a practical measure to overcome the “tyranny of distance” by providing students with access to materials regardless of their home campus. The addition of a Discussion Board for students reflected a shift from this conservative role of simply providing online access to information and materials, making announcements and delivering grades to attempting to engage with the students and

³¹ Holliday and Li, above n 29.

³² K Manuel, *Teaching Information Literacy to Generation Y* (2002) cited in McKnight at 9, above n 13.

³³ See Skene et al, above n 11.

³⁴ Kennedy et al, above n 15.

³⁵ Ibid 13.

³⁶ Ibid 8.

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create a sense of community within the geographically fragmented IBL student cohort. Whilst the use of this tool has not been specifically surveyed for IBL students, comments in the UWS Student Satisfaction Survey ("SSS") conducted in 2006, reveal a highly positive attitude to the provision of such tools.

The real challenge will be to integrate online learning with face-to-face teaching to provide interactive learning experiences for students irrespective of the campus on which they study. Towards this end, the University committed substantial resources to build infrastructure and to educate and train staff. How to best take advantage of changing technologies to enhance learning is one of the major issues with which we are still grappling for IBL.

The study by Kennedy et al, provides some interesting data on student preferences regarding the use of ICTs to assist their studies and those technologies over which student preferences were divided. For example, while a clear majority favoured the use of computers to create documents, the use of the web to access information and the provision of a learning portal, views were divergent on the use of social networking software, web conferencing and blogs.³⁷

Of course, student preferences alone should not drive the adoption of ICTs. Different technologies may enhance different activities. Skene et al provide some useful illustrations of this. For example, given Gen Y's reliance on text messaging, advantage could be made of text messaging to confirm an appointment by the counselling unit in a university, whereas, for a Transitions program, blogging could be appropriate or podcasting could be a valuable adjunct to a skills program.³⁸

Another dimension opened by the expansion of online learning environment is the provision of online assessment. Much of what has been written about the use of online

³⁷ Ibid 11.

³⁸ Skene et al, above n 11, 3.

assessment must be considered in the context of units with large enrolments.³⁹ Clearly, the potential to alleviate the volume of marking and assessment – related administration must be weighed against the educational value of the assessment tasks.⁴⁰

VIII CHANGING IBL

The sheer volume of students in IBL has been an overriding consideration in reviewing the means by which IBL can be made more relevant and engaging. In summer 2007 – 2008, we intend to trial two changes to IBL. The first change is the adoption of a textbook that is virtually reproduced online. Selection of the text was largely driven by this interactive online capacity. As well as providing hyperlinks to relevant cases and legislation, it contains a high level of self directed computer assisted activities. These include online pre-chapter “warm-ups” permitting students to test their familiarity with a topic before the lecture as well as the more traditional review questions, quizzes and hypotheticals with feedback and model answers. For students with a learning style that is more visually oriented, diagrams and charts are provided which are able to be ‘re-adjusted’ by the student.⁴¹

There is a facility for staff to oversee student uptake of the computer activity. so the opportunity to monitor student asynchronous usage of the online material will better inform us of the students’ preferences and provide evidence of the extent to which students have engaged with the unit outside of the traditional face to face teaching time.

³⁹ See n 8.

⁴⁰ R James, C McInnis and M Devlin, *Assessing Learning in Australian Universities: Ideas, strategies and resources for quality in student assessment* (2002) 32.
< www.cshe.unimelb.edu.au/assessinglearning>

⁴¹ See K Becker, J Kehoe, and B Tennent, ‘Impact of personalized learning styles on online delivery and assessment’, (2007) 24 (2) *Campus-Wide Information Systems* 105 for a study on the impact of learning styles.

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The second change to be trialed in summer will be the replacement of an assignment worth 15% of the marks for the unit with a multiple choice test that is undertaken by students on-line. We intend to develop more complex problem questions to address the concerns that multiple choice questions foster only lower-order learning.⁴²

Assuming the summer session proceeds smoothly, in Autumn 08, in addition to the above changes, the mode of delivery for IBL will be adjusted so that in addition to the weekly two hour lecture, students will undertake a two hour tutorial on a fortnightly basis. The two hour tutorial has been used successfully in other interdisciplinary units in the school and it is anticipated that it will provide an opportunity for in depth discussion of topics. In addition, an electronic support package to assist the students with research is being developed by the library and discussions on its use are in progress. Finally, a review of the content for the unit is being undertaken to make it more contemporary and hopefully engaging. Towards this end, in 2008, material will be introduced to address indigenous issues, international law and corporate social responsibility.

IX CONCLUSION

The review of IBL for 2008 is still a work in progress and the above only touches upon some of the factors relevant to its rejuvenation. The changes proposed for 2008 are perhaps modest, however, overseeing the running of units with large enrolments dictates a measured approach. The students and their perceived generational preferences in learning styles has been a focus of our considerations, however they are not the sole force. Other factors such as the staff, their teaching styles and philosophies, the institutional culture and strategic direction and pedagogy are also relevant.

Introducing new educational technologies is a key factor under consideration, but as the literature suggests, the introduction of individual innovations alone does not improve

⁴²James et al, above n 40, 23.

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teaching learning outcomes, there must be a holistic approach to teaching and learning strategies that uses multiple strategies.⁴³

⁴³ Diana Jonas-Dwyer, and Romana Pospisil, 'The Millennial effect: Implications for academic development' (Paper presented at the HERDSA Conference 2004: Transforming Knowledge into Wisdom: Holistic Approaches to Learning and Teaching, Miri, Sarawak, Indonesia, 4 – 7 July 2004.
,<http://www.herdsa.org.au/conference2004/Contributions/RPapers/P050-jt.pdf>.