

and less important function within them. The end result would be to significantly worsen the existing social inequalities in access to higher education.¹⁰

5. Reform Proposals

In the face of the severe structural barriers to more equal access, the following far-reaching reforms are proposed. They would need to be accompanied by the maintenance of free public higher education and increased funding of public schools, higher education places and student allowances.

1. The use of school-based assessment, incorporating judgements by teachers subject to system-wide consensus moderating procedures, in place of external examinations as the major mechanism of selection into higher education. Direct professional judge-

2. The institution of large-scale quotas for higher education entrance, based on socio-economic factors. For example, all institutions could be required to admit 40 per cent of students from families earning less than average weekly earnings, which may not affect many CAEs, but would certainly change the pattern of entry to the most privileged universities. Such quotas must be large scale to be publicly credible, to visibly change the pattern of access, and to become established as a legitimate principle of selection.
3. Increased places to mature age students, selected on the basis of inter-

4. Terrence R. Dunn, 'An empirical demonstration of bias in HSC examination results', in *Australian Journal of Education*, 26, August 1982, pp 190-203.
5. Quoted in George F. Madaus, 'Test scores as administrative mechanisms in educational policy', in *Phi Delta Kappan*, May 1985, p. 616.
6. Ross Williams, 'The economic determinants of private schooling in Australia', in *ANU Centre for Economic Policy Research Discussion Papers*, 94, April 1984.
7. Report of the Review Committee, *op cit*, p. 9.
8. D. S. Anderson, R. Boven, P. J. Fensham and J. P. Powell, *Students in Australian Higher Education: A study of their social composition since the abolition of fees*, Australian Government Publishing Service, Canberra, 1980.
9. Clive Williams, *The early experiences of students on Australian university campuses*, University of Sydney, 1982.
10. The role of the public/private school divide in producing inequalities in access in extensively discussed in D. S. Anderson and A. E. Vervoorn, *Access to privilege: Patterns of participation in Australian post-secondary education*, ANU Press, Canberra 1983, especially pp 64-83. See also Anderson, Boven, Fensham and Powell, *op cit*.

view. Expansion of special entry schemes for Aboriginal students.

4. Fifty per cent female quotas in the faculties and schools where women are markedly under-represented, such as engineering, the technologies and the applied sciences.
5. A one year general education year at the commencement of all higher education courses, with selection into the most competitive vocational courses such as medicine and law at the end of that year.
6. The creation of open entry into the private schools, with selection on the basis of ballot where necessary, and the incorporation of these schools into a comprehensive public education system. Schools that remain outside the public system should cease to receive public funds.

One searches in vain for any reference to this central issue in the Reports of the Commonwealth Tertiary Education Commission (CTEC). The present Commonwealth Government's own statements indicate a concern about social inequalities in access, a deeper concern than that evidenced by the CTEC, but the Government has concluded a funding deal with the private school lobby groups for reasons of political expediency and is therefore also conspicuously silent on the role of the public/private divide in producing and reproducing the present pattern of access. The only reference (and it is brief) to the inter-relationship between class, public/private schooling and inequalities in access that is contained in an official national Report produced under the present Government, is in Department of Education and Youth Affairs, *Youth policies, programs and issues: Australian background paper* (prepared for the OECD), Australian Government Publishing Service, Canberra 1983, p. 43.

* This paper was first presented as an address to the Annual General Meeting of the Federation of College Academics in Sydney on August 22, 1985.

Student selection and performance in the Faculty of Law, The University of Adelaide

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Introduction

The central purpose of this paper is to set out the results of research into the performance of entrants into the University of Adelaide Law School. The paper's underlying premise is that the selection of students should, to the greatest extent possible, be fair and equitable in the sense of resting upon objective academic criteria. This is particularly necessary in a faculty such as Law, entry into which is intensely competitive, with over 1000 first preference applicants competing for 120 places in 1986.

The problem of selection has, historically, passed through several stages. In the first instance selection was largely a matter of choosing between competing matriculants. Subsequently, it became primarily concerned with selecting between and within two competing categories, viz., matriculants and applicants having tertiary results. Most recently, the research undertaken into the performance of law students has both suggested and facilitated a move to selecting only from competing applicants having tertiary experience.

The paper concentrates upon a major research effort in 1984-85. Some research was undertaken, however, from 1981. It should be said that as a result of the general disinterest in these matters which existed until recently the work was undertaken by concerned persons within the law school who worked from individual student records and from records of the Law Selection Committee.* The research would undoubtedly have benefited from the computer and statistical resources which the present climate will, hopefully, generate for the future.

1. The selection of matriculant applicants

Entry into the Law School before 1967 was available to any person who had matriculated. The huge intake in 1966 gave rise to the imposition of a quota in 1967. The resulting process of selection to fill the quota was simplified, however, by the University's policy of accepting the aggregate matriculation mark as the academic basis for entry.

2. The selection of transfer applicants

During the 1970s the number of applicants who had undertaken some tertiary study, ranging from several subjects to a degree, typically referred to as transfer applicants, grew rapidly. This gave rise to two selection problems. First, these applicants had to be ranked vis-a-vis each other and, secondly, they had to be slotted into the given list of matriculants.

In the case of ranking it was not clear whether graduates, having obtained a degree in minimum time, should rank above non-graduates or whether they should rank below non-graduates who had a higher percentage of distinctions or credits.

In the case of slotting, the difficulty was that no evidentiary basis existed for comparing matriculant and transfer applicants. Decisions relied heavily upon unsubstantiated speculation.

In 1981 it was decided, therefore, to undertake research through which the statistical likelihood of success in the Law School of the various entrants could reasonably be predicted in order to establish fair and equitable selection criteria. This meant establishing an objective basis upon which to select those students who could be expected to perform best.

3. Matriculation results of matriculant and transfer applicants compared

The first attempt to compare matriculant and transfer entrants involved calculating the mean matriculation mark for six groups of Adelaide University first-year Arts and Economics students having one, two and three credits and no fails respectively. This embraced the majority of transfer applicants and provided a basis for comparing them with matriculant applicants in matriculation mark terms.

This work showed that entrants in their four first year subjects who obtained two credits and no fails had a mean matriculation mark which corresponded to the matriculation cut-off mark for Law and

were, therefore, on a par with the marginal matriculation entrant. Those with more credits had a higher mean matriculation mark. This work was taken to justify a 'half credits rule' whereby applicants having two or more credits and no fails were selected. The results were only a broad guide, however, particularly given a disparity between the mean matriculation mark for the respective groups in the faculties in question, and given the smaller numbers in some of the groups.

4. Law School performance of matriculant and transfer applicants compared

Subsequently, the performance of matriculant and transfer entrants in the Law School was compared in terms of percentages of distinctions, credits, passes and fails. This work, which covered entrants in 1981-83, appeared, again in broad terms, to support the half credits rule. In 1981 and 1982 the transfer entrants performed slightly better. But in 1983, with a reduced quota and a higher matriculation entry mark, the results of the matriculants were slightly better than those of the transfer entrants.

This comparison dealt only with first year results. It did not, therefore, take into consideration any advantage which transfer entrants might have had in their first year as a result of previous tertiary experience.

5. Law School performance of transfer entrants compared

In order to compare the performance of transfer entrants vis-a-vis each other they were broken into three groups. Most entrants had completed just one year at a tertiary level or were graduates. The third group consisted of entrants falling somewhere between the other two. This work indicated that the policy of ranking all transfer students, including graduates, according to the quality, not quantity, of their pre law tertiary results was justified.

Notes

1. Higher Education Round Table, *Why would tertiary fees increase inequality?* (pamphlet), Canberra, March 1985.
2. Report of the Review Committee, *Quality of Education in Australia*, Australian Government Publishing Service, Canberra, April 1985, pp 62-64.
3. In preparing this section of the paper the following readings were particularly helpful.
Bill Hannan, *Issues in curriculum* (unpublished paper), April 1985.
Brian Simon, *Intelligence, Psychology, Education*, Lawrence and Wishart, London 1978.
Richard J. Bates, 'Education, community and the crisis of the state', prepared for *Discourse*, April 1984.
Richard J. Bates, 'Education in the corporate economy — a response to Headley Beare', in *Unicorn*, 8, 4, November 1982, pp 351-362.
Janet Hunt and Beverly Pope, *What price gold stars; the traditional academic disciplines and meritocratic schooling* (unpublished paper), Canberra, July 1985.
Gerry Tickell, *Equality for All*, paper presented to the Rationalist Society Conference, Melbourne, 19 to 21 April, 1985.
Dean Ashenden, *University entrance requirements*, paper prepared for the Australian Vice-Chancellors' Committee, November 1984.

6. Study into Law School performance 1981-84

By 1984 the need for a more detailed study was clear. In particular, with a rising matriculation mark there was a need to refine the analysis of the performance of the marginal transfer entrants. The matriculation cut-off scores over the four years were as follows: 1981, 392 (top 16%); 1982, 403 (12%); 1983, 414 (9%); 1984, 405 (12%). The need was accentuated in the two years following the study. In 1985, with a quota reduction from 150 to 120, the cut-off jumped to 423 (8%), whilst in 1986 it reached 433, the highest for any faculty in the University.

With respect to graduates, the work so far undertaken showed that they were much less likely to accept offers of admission than other transfer applicants and indicated that they had a greater propensity to withdraw which was increasingly being seen as a selection issue. Furthermore, the work done appeared to suggest that tertiary results provided a better indicator of success in the Law School than matriculation results. There was also a growing sense of the need for further information about the Law School population in order to have a better understanding of the social impact of selection.

It was decided in 1984, therefore, to undertake a more extensive research effort. The central question, of course, was not whether applicants were excluded who might have succeeded, but whether, in a highly competitive climate, selection was fair and equitable. Appeals to faculty against selection decisions in 1982 and 1983 and, in 1984, the first appeal by a disappointed applicant to the Ombudsman, confirmed the need to be able to provide objective justification for selection decisions.

7. Students surveyed

The study covers all students enrolled as at 30 November 1984 who first commenced their LL.B. programmes in 1981, 1982, 1983 and 1984. This represents 564 students. Of these, 371 were matriculant entrants and 193 transfer entrants.

In addition to the 564 surveyed students a further 101 students were admitted in the survey period but were not enrolled at November 1984. The performance of these 'withdrawn' students was also analysed although the results are not included in this paper.

The University's procedures are such that a student who does not re-enrol in any year, unless precluded under the Statutes, has an indefinite right to re-enrol in that course in any future year. In that sense, the 101 students not enrolled in November 1984 cannot conclusively be regarded as having withdrawn. However,

an examination of their academic records suggests that, generally, they were not progressing satisfactorily or had not made a bona fide attempt to attend the University. For the purposes of this exercise the 101 are regarded as having withdrawn.

A further 74 students were enrolled as at 30 November 1984, however, as they began their course prior to 1981, they are not included in the study.

The matriculant entrants are divided into four groups based upon their matriculation score. They are further divided on the basis of their undertaking either a majority of arts-based or science-based subjects in the matriculation examination. The matriculant divisions are:

Matriculation score	Numbers of Arts-based matriculants	Numbers of Science-based matriculants	Total
409 and less	58	23	81
410 - 429	83	48	131
430 - 449	50	38	88
450 and over	35	36	71
	226	145	371

The transfer students are difficult to sub-divide into groups as their backgrounds in faculties and earlier matriculation are varied. However, for some purposes an examination is made of the 55 transfer students who are regarded as marginal entrants; that is, those who only just satisfy the half-credit rule. Additionally, transfer students are divided into groups according to their matriculation scores where this information was available.

The divisions here are:

Previous matriculation score	Number of students
Less than 349	26
350 - 389	50
390 - 409	23
410 - 429	23
430 plus	21

8. Results surveyed

The results used in this survey are the final results for the year; that is, if a student failed at the primary examination but passed the supplementary then that result is recorded as a pass for the year. A fail at the supplementary or a fail at the primary, where no supplementary was attempted, is regarded as a fail. Results of withdrawn (fail) and did not sit where the examination was not redeemed by a successful supplementary examination attempt, are also regarded as fails. A student who failed a subject in one year and passed the same subject in a subsequent year will have both results included.

Statistics on performance in every law subject were gathered for the purposes of the survey. They are expressed in terms of

percentages of distinctions, credits, passes and fails. Particular attention is directed at the 10 core subjects as they must be completed by all students. In contrast, the optional subjects are analysed as a single group, since enrolments in some of them are too small for sound statistical analysis.

Not included in this report, but available on request to the authors, are statistics concerning the results of students who withdrew and concerning the comparative results of male and female students. In general, the tables included provide only samples of the statistical information available.

9. Performance in compulsory subjects

9.1 First-year compulsory subjects

All students are required to complete the same first-year subjects. Options cannot be attempted until second year. These subjects are:

- Elements of Law
- Constitutional Law I
- Criminal Law
- Torts

In each of the subjects the performance of transfer students is, in general terms, similar to the performance of matriculants taken as a whole (Table 1). This is generally consistent with the work undertaken between 1981-83. More particularly the mean transfer student performance appears to lie somewhere between the 410-429 and 430-449 matriculants. When the matriculants are split into science and arts based matriculation groups and then compared with transfer students, the performance of transfer students is almost identical to the 430-449 arts-based matriculants but falls well short of the same science group (Table 2). Through all levels of matriculation score the science-based matriculants perform at a higher level than their arts counterpart.

This finding is striking and may call into question matriculation grading and scaling. Indeed, this would appear necessarily to be so, unless Law is a discipline suited to students with a science background to a degree which would be surprising.

Individual subjects show some variation between the performance of transfer

Table 1
First year compulsory subject comparisons (Matriculants and Transfer Students)

	Matriculants				Transfer Students	
	409	410-429	430-449	450+	Matric. Total	
By percentage						
Fail	8	7	7	1	6	9
Pass	76	71	61	44	64	63
Credit	14	19	29	43	24	24
Distinction	2	3	9	12	6	4
Second year compulsory subject comparisons						
By percentage						
Fail	10	8	8	2	8	8
Pass	68	63	52	53	61	70
Credit	21	27	34	36	28	19
Distinction	1	2	6	9	3	3
Third and fourth year compulsory subject comparisons						
By percentage						
Fail	10	4	11	2	7	11
Pass	53	63	33	36	50	45
Credit	31	28	43	34	33	36
Distinction	6	5	13	28	10	8

students and matriculants (Table 4). In Elements of Law, for example, the transfer students perform at a level equivalent to the lowest level of science-based matriculants (409-and-less) but equivalent to the second highest arts group (430-449). In Torts, the transfers equate to about the 430-449 arts-based matriculants but are not able to match even the lowest level of science-based matriculants.

Borderline transfer students perform at a level nearest to the 409-and-less arts-based matriculants (Table 10). However, they have three times the rate of fail results and twice the rate of credits as the 409-and-less arts-based matriculants. As the borderline transfers represent only 53 out of a total of 193 transfer students surveyed, it can be seen that the remaining better qualified transfer students perform well above matriculants taken as a whole.

8.2 Second-year compulsory subjects

The second-year compulsory subjects are:

- Contract
- Property
- Constitutional Law II

In the second-year compulsory subjects the performance of matriculants taken as a whole is superior to that of the transfer students (Table 1). It would appear, therefore, that transfer students have an advantage in first-year because of previous University experience, which is lost in second year. Overall, the transfer students perform at a level equivalent to the 409 and less matriculants.

The gap between the performance of science-based matriculants and arts-based matriculants is less than for first year subjects. Again the significant difference between the two groups is shown in the 430-449 and 450 + matriculation groups (Table 2). The arts based matriculants perform relatively poorly in Contract yet almost as well in Property and as well in Constitutional Law as science based matriculants (Table 5). For all groups of

Table 2
Performance in compulsory subjects
Arts and Sciences based matriculants
by percentage

First year compulsory	Arts based matriculants				Matric. Total	Science based matriculants				Total
	409	410-429	430-449	450+		409	410-429	430-449	450+	
Fail	8	9	9	2	8	6	5	3	0	4
Pass	80	71	62	55	69	77	71	52	33	57
Credit	11	18	24	36	20	15	19	32	51	30
Distinction	1	2	5	7	3	2	5	13	16	9
Second year compulsory										
Fail	11	9	12	4	10	10	6	4	0	5
Pass	68	61	54	59	62	66	65	50	47	58
Credit	20	28	30	32	26	24	27	38	41	32
Distinction	1	2	4	5	2	0	2	8	12	5
Third and Fourth year compulsory										
Fail	7	6	18	4	8	14	0	0	0	5
Pass	60	66	49	40	58	40	55	10	32	37
Credit	28	22	27	40	28	37	42	66	27	42
Distinction	5	6	6	16	6	9	3	24	41	16

matriculant and transfer students credits and distinctions are more likely to be obtained in Property. Except for science-based matriculants (score 450 plus) and, to a lesser degree arts-based matriculants (score 450 plus), credits and distinctions are more likely in Constitutional Law II than Contract and fails more likely in Contract.

The borderline transfer students, as might be expected, perform worst. While 84% of these students (Table 10) still achieve a pass or better only about 4% reach credit or distinction level. Further, they have the highest failure rate at 16%. Borderline transfer students have no credits or distinctions in either Contract or Property and are more likely than any other students to fail in Constitutional Law II.

9.3 Third and fourth year compulsory subjects

The third and fourth year compulsory subjects are:

- Associations
- Trusts
- Evidence

Although this study covers students who enrolled for the first time in the LL.B. course in the years from and including 1981, because some students are enrolled in combined degrees or are proceeding on a part-time basis, only 63 examination attempts were made in 1984 in the 'final year' subject Evidence.

It is somewhat surprising to find that in the third and fourth-year compulsory subjects transfer students appear to have regained the position attained in first-year, where matriculants and transfers, in

Table 3
Performance in all subjects, all compulsories, all options
Performance in all subjects (summary)

	Total matriculants (All subjects (% in bracket))					Total transfers (All subjects)				
	409 less	410-429	430-449	450+	Total	409 less	410-429	430-449	450+	Total
Fail	86 (7)	79 (5)	51 (7)	13 (2)	229 (6)	139 (8)				
Pass	729 (61)	936 (64)	390 (49)	247 (39)	2302 (56)	1042 (57)				
Credit	347 (29)	403 (27)	291 (36)	284 (45)	1325 (32)	520 (29)				
Distnc.	41 (3)	57 (4)	63 (8)	90 (14)	251 (6)	110 (6)				
Total	1203	1475	795	634	4107	1811				
Total matriculation (Compulsories)					Total transfer (Compulsories)					
Fail	57 (9)	62 (7)	38 (7)	5 (1)	162 (7)	94 (9)				
Pass	426 (69)	598 (68)	279 (54)	188 (46)	1481 (61)	690 (62)				
Credit	122 (20)	196 (22)	159 (31)	168 (40)	645 (26)	268 (24)				
Distnc.	14 (2)	25 (3)	43 (8)	53 (13)	135 (6)	51 (5)				
Total	619	881	519	414	2433	1103				
Total matriculation (Options)					Total transfer (Options)					
Fail	29 (5)	17 (3)	13 (5)	8 (3)	67 (4)	45 (6)				
Pass	303 (52)	338 (57)	111 (40)	59 (27)	811 (49)	352 (50)				
Credit	225 (38)	207 (35)	132 (48)	116 (53)	680 (40)	252 (35)				
Distnc.	27 (5)	32 (5)	20 (7)	37 (17)	116 (7)	59 (9)				
Total	584	594	276	220	1674	708				

Table 4
Performance matriculants (Arts and Science based) and transfers in first year compulsory subjects

	Matriculants %					Matriculants (Arts) %					Matriculants (Science) %					Transfer	
	409 less	410-429	430-449	450+	Total	409 less	410-429	430-449	450+	Total	409 less	410-429	430-449	450+	Total		
Con. Law I	Fail	8	9	5	0	6	8	12	6	0	8	9	4	3	0	4	9
	Pass	80	68	56	52	66	85	65	57	68	69	74	56	40	60	62	
	Credit	12	20	32	40	24	7	20	31	28	20	22	20	33	48	30	26
Criminal Law	Distn.	0	3	7	8	4	0	3	6	4	3	0	2	8	12	6	3
	Fail	7	13	8	2	8	8	13	9	3	10	5	12	6	0	7	12
	Pass	83	71	68	53	70	82	70	72	67	73	86	74	62	41	65	64
Elements	Credit	9	14	23	39	20	10	17	17	23	16	9	10	32	53	25	20
	Distn.	0	2	1	6	2	0	0	2	7	1	0	4	0	6	3	4
	Fail	9	0	5	0	3	9	0	8	0	4	9	0	0	0	2	7
Torts	Pass	66	69	52	33	57	71	76	58	43	65	54	56	43	24	44	59
	Credit	21	25	23	45	28	18	22	24	45	25	28	31	23	44	31	26
	Distn.	4	6	20	22	12	2	2	10	12	6	9	13	34	32	23	8
Assoc.	Fail	9	7	8	2	7	9	11	13	4	10	9	2	3	0	3	5
	Pass	75	76	55	37	64	83	73	60	46	69	59	81	47	28	56	68
	Credit	13	16	32	51	25	6	15	25	46	19	27	17	41	56	34	23
Evid.	Distn.	3	1	5	10	4	2	1	2	4	2	5	0	9	16	7	4

general, performed at the same level (Table 1).

The science-based matriculants, however, demonstrated a superiority which is greater than in either first or second year (Table 2). Taken overall the transfer students do not match the 409-and-less science matriculant, yet are superior to the 430-449 arts matriculant (Table 2).

In Trusts and Associations (Table 5)

transfer student results fall within the 430-449 arts matriculant range and within the 409-and-less science matriculant range.

The borderline transfer students represent only a total of 27 exam attempts. While the results are hardly of statistical significance taken alone, they appear, nonetheless, to be consistent with the previous pattern of borderline transfer performance (Table 10).

10. Performance in optional subjects

All optional subjects can be taken by any student who has completed second-year compulsories although there is a limited number of optional subjects available to second-year students. These subjects cannot, therefore, be conveniently considered in any subject grouping or year order. Further, the low enrolments in

some subjects make analysis on a subject-by-subject basis statistically suspect. The results in optional subjects are, therefore, only analysed in total (Tables 3, 6 and 10).

In general, for both matriculant and transfer students, the results in optional subjects are markedly superior to those achieved in compulsory subjects.

In the optional subjects the matriculation score of matriculants has a greatly reduced bearing on results. Transfer students generally perform at a lower level than matriculants taken as a whole and are broadly comparable with both arts and science matriculants 409-and-less.

Arts-based matriculants and borderline transfer students appear to show the most marked improvement between compulsory and optional subjects.

11. Comparison of male/female performance

In the compulsory subjects there is no clear evidence that, taken overall, women and men have different levels of performance. In the 450 plus matriculants men appear to have an edge, however, in the 430-449 group women appear to perform better. A more detailed analysis on an individual subject basis reveals a varied pattern of male/female performance. In the optional subjects there is an indication

Table 6
Performance summary — all subjects

	Total Science/Arts-based matriculants (all subjects) %										Transfer %
	409 less		410-429		430-449		450+		Total		
	Arts	Science	Arts	Science	Arts	Science	Arts	Science	Arts	Science	
Fail	7	9	6	4	9	3	4	0	6	4	8
Pass	63	54	64	61	52	43	43	34	59	50	57
Credit	27	33	26	30	34	40	42	48	30	37	29
Distinction	3	4	4	5	5	14	11	18	5	9	6
Total Science/Arts-based matriculants (compulsories)%											
	409 less		410-429		430-449		450+		Total		Transfer %
	Arts	Science	Arts	Science	Arts	Science	Arts	Science	Arts	Science	
Fail	9	10	9	4	11	3	3	0	8	4	9
Pass	72	61	68	68	58	47	55	37	66	55	62
Credit	17	25	21	24	26	37	36	45	23	32	24
Distinction	2	4	2	4	5	13	6	18	3	9	5
Total Science/Arts-based matriculants (options)%											
	409 less		410-429		430-449		450+		Total		Transfer %
	Arts	Science	Arts	Science	Arts	Science	Arts	Science	Arts	Science	
Fail	4	7	3	3	6	2	6	0	4	3	6
Pass	54	46	60	46	43	34	24	29	51	41	50
Credit	37	42	32	44	48	48	51	54	39	46	35
Distinction	5	5	5	7	3	16	19	17	6	10	9

Table 5
Performance matriculants (Arts and Science based) and transfers in second year and third/fourth year compulsory subjects

	Matriculants %					Matriculants (Arts) %					Matriculants (Science) %					Transfer	
	409 less	410-429	430-449	450+	Total	409 less	410-429	430-449	450+	Total	409 less	410-429	430-449	450+	Total		
Con Law II	Fail	17	5	5	0	7	15	6	9	0	9	20	3	0	0	6	11
	Pass	68	66	56	60	64	70	61	58	60	63	65	74	52	60	64	71
	Credit	15	28	39	35	28	15	31	33	35	26	15	23	48	35	29	13
	Distn.	0	1	0	5	1	0	2	0	5	2	0	0	0	5	1	5
Contract	Fail	10	8	11	3	8	11	11	18	5	12	10	4	0	0	3	9
	Pass	77	70	66	50	68	79	68	66	60	70	71	72	66	40	64	69
	Credit	13	21	16	32	20	10	19	8	25	15	19	24	29	40	27	20
	Distn.	0	1	7	15	4	0	2	8	10	3	0	0	5	20	6	2
Propy.	Fail	5	10	10	3	8	7	10	9	5	8	0	10	11	0	6	2
	Pass	57	52	32	48	49	55	53	35	58	52	61	50	28	37	45	69
	Credit	36	34	46	43	38	36	35	52	37	38	39	33	39	50	39	25
	Distn.	2	4	12	6	5	2	2	4	0	2	0	7	22	13	10	4
Trusts	Fail	11	5	12	0	8	11	7	20	0	10	12	0	0	0	4	10
	Pass	50	61	28	45	49	54	63	46	55	56	41	57	0	33	36	42
	Credit	31	29	48	20	32	26	23	27	18	24	41	43	80	22	46	42
	Distn.	8	5	12	35	11	9	7	7	27	10	6	0	20	45	14	6
Assoc.	Fail	11	4	12	4	8	6	6	20	9	9	22	0	0	0	8	13
	Pass	54	68	42	35	54	65	72	53	33	61	33	60	22	37	39	49
	Credit	29	24	42	48	32	26	19	27	58	28	33	33	67	36	39	29
	Dist.	6	4	4	13	6	3	3	0	0	2	12	7	11	27	14	9
Evid.	Fail																4
	Pass																41
	Credit																41
	Distn.																14

that the performance of women is superior, at least in the two highest categories of matriculation score.

The study also shows that women represented 54% of those who enrolled in 1981 and who graduated in the minimum time of four years although they comprised only 47% of the intake. This relates only to one year, never-the-less, it sug-

gests that women may complete their degrees more quickly and withdraw at a lower rate than men.

12. Withdrawn students

The withdrawal of matriculants appears to bear no relation to their matriculation score.

Transfer students have a higher propen-

sity to withdraw than matriculant entrants although this factor appears to be dominated by the very high withdrawal rate of graduate entrants.

As is generally assumed, withdrawal occurs largely in first year and appears to be associated with part time study.

13. Matriculation and Transfer results as predictors for law

One of the most significant findings in this study would seem to be that the matriculation results of transfer entrants apparently have surprisingly little bearing on their performance in the Law School (Tables 7, 8). Indeed, the evidence suggests that transfer entrants with the lowest matriculation marks, that is the group below 349, and way below the Law matriculation entry mark, could be expected to perform just as well, if not better, than those with high matriculation marks.

This is a curious finding in that the evidence also shows that matriculation results are quite a good predictor of performance in Law and remain a valid predictor throughout the Law degree. Law itself, as a tertiary course, does not apparently disturb this relationship.

It would seem that pre-Law tertiary experience, though not Law itself, thoroughly shuffles the matriculation pack especially for those at and below the borderline. Further, the figures indicate that this new order remains throughout the Law course.

Evidence about the age or background of these entrants to determine what other factors are relevant would require considerable additional work. Even in the absence of such further study, however, this finding suggests that, solely in terms of academic merit, tertiary results (presumably non-Law) provide a better predictor of success in Law than matriculation results. The evidence suggests that latent academic capacity for the purposes of studying Law is brought to fruition by pre-Law tertiary study.

The evidence further suggests that in highly competitive circumstances selection would be more fair and equitable if it were based upon performance in circumstances in which all potential applicants share similar educational facilities and a common environment in which to develop their aspirations. This question of fairness is a significant issue bearing in mind the background of the majority of Law students.

It is clear that, without more places, more students cannot take advantage of a Law School education. Nevertheless, a basis of selection which equalises pre-Law educational opportunities opens to a wider number the possibility of entering the Law School.

Table 7
Performance of "transfer" students — with previous matriculation scores (% in brackets)

First year compulsories	Matriculation scores						Total
	Less than 349	350-389	390-409	410-429	430+		
Fail	11 (10)	10 (5)	7 (7)	7 (9)	0 (0)	35 (6)	
Pass	66 (59)	137 (72)	63 (65)	46 (55)	46 (65)	358 (65)	
Credit	27 (24)	42 (22)	25 (26)	26 (31)	16 (22)	136 (25)	
Distinction	8 (7)	1 (1)	2 (2)	4 (5)	9 (13)	24 (4)	
Total	112	190	97	83	71	553	
Second year compulsories							
Fail	0 (0)	5 (5)	2 (9)	1 (4)	0 (0)	8 (4)	
Pass	29 (74)	71 (74)	15 (65)	20 (71)	26 (81)	161 (74)	
Credit	7 (18)	20 (21)	6 (26)	5 (18)	6 (19)	44 (20)	
Distinction	3 (8)	0 (0)	0 (0)	2 (7)	0 (0)	5 (2)	
Total	39	96	23	28	32	218	
Third and fourth year compulsories							
Fail	2 (9)	2 (4)	0 (0)	4 (27)	4 (31)	12 (11)	
Pass	8 (35)	27 (54)	3 (60)	6 (40)	6 (46)	50 (47)	
Credit	9 (39)	20 (40)	2 (40)	3 (20)	3 (23)	37 (35)	
Distinction	4 (17)	1 (2)	0 (0)	2 (13)	0 (0)	7 (12)	
Total	23	50	5	15	13	106	

Table 8
"Transfer" students — with previous matriculation scores (% in brackets)

Total all "Transfers" with matriculation scores (all subjects)	Matriculation scores						Total
	Less than 349	350-389	390-409	410-429	430+		
Fail	17 (6)	29 (5)	15 (8)	22 (11)	17 (8)	100 (7)	
Pass	155 (56)	391 (61)	107 (59)	110 (53)	118 (56)	881 (58)	
Credit	78 (28)	199 (31)	57 (31)	61 (30)	62 (30)	457 (30)	
Distinction	29 (10)	20 (3)	3 (2)	13 (6)	13 (6)	78 (5)	
Compulsory total all "transfers" with matriculation scores							
Fail	13 (7)	17 (5)	9 (7)	12 (10)	4 (3)	55 (6)	
Pass	103 (59)	235 (70)	81 (65)	72 (57)	78 (65)	569 (65)	
Credit	43 (25)	82 (24)	33 (26)	34 (27)	29 (24)	221 (25)	
Distinction	15 (9)	2 (1)	2 (2)	8 (6)	9 (8)	36 (4)	
Options total all "Transfers" with matriculation scores							
Fail	4 (4)	12 (4)	6 (10)	10 (12)	13 (14)	45 (7)	
Pass	52 (50)	156 (51)	26 (46)	38 (48)	40 (44)	312 (49)	
Credit	35 (33)	117 (39)	24 (42)	27 (34)	33 (37)	236 (37)	
Distinction	14 (13)	18 (6)	1 (2)	5 (6)	4 (5)	42 (7)	

Table 9
A. Matriculation background of first-year Law Students
Total South Australian students sitting five Matriculation Subjects (1984)

Year	School background of First-Year Law Students											
	Independent Schools		Catholic Schools		Government Schools		Other					
	(O'all)	(T)	(M)	(O'all)	(T)	(M)	(O'all)	(T)	(M)	(O'all)	(T)	(M)
1979	30%			18%			46%			6%		
1980	31%			26%			39%			4%		
1981	27%			22%			48%			3%		
1984	42%	37%	44%	14%	17%	13%	41%	39%	40%	6%	7%	1%
1985	44%			15%			33%			8%		

T = Transfer Students M = Matriculants (1984 only)

Some comments on numbers from Private/Catholic Private Schools
Seventy students admitted in 1985 received their school education at one of twelve private/Catholic private schools. Thirty-six of these were from only four private schools (i.e. 40% of all matriculant entrants). Fifty-five of the seventy were from eight private schools.

B. Suburb of residence of first-year Law students

Year	North	South	East	West	Adel. Nth/Adel.	Country
1979	21%	19%	35%	15%	5%	5%
1980	23%	22%	35%	14%	4%	2%
1981	16%	21%	32%	16%	5%	9%
1984	18%	19%	31%	15%	14%	3%
1985	14%	18%	46%	9%	9%	1%

Table 10
"Transfer" students — borderline "half-credit" %
First Year Compulsories

	Fail	Pass	Credit	Distinction
Constitutional Law I	23	62	15	0
Criminal Law	24	66	17	3
Elements of Law	16	60	19	5
Torts	12	73	12	3
Total First Year	18	65	14	3
Second Year Compulsories				
	Fail	Pass	Credit	Distinction
Constitutional Law II	24	76	0	0
Contract	18	82	0	0
Property	9	78	8	5
Total Second Year	16	79	3	2
Third & Fourth Year Compulsories				
	Fail	Pass	Credit	Distinction
Associations } Trusts } Evidence } Totals only				
Total Third/Fourth Years	22	37	37	4
	Fail	Pass	Credit	Distinction
Total all subjects	14	62	20	4
Total compulsories	18	65	14	3
Total options	8	57	30	5

14. Socio-educational background of matriculant entrants

A recent survey by the Director of Academic Planning at the Tertiary Education Authority of South Australia, Dr R. Linke, shows that the socio-economic profile of the tertiary education system in the State has not changed since 1974 with upper-income family students still outnumbering the low-income family students three to one.

Our study examined the school and home-residence background of matriculant Law School entrants in the years 1979-81 and 1984-85 (Table 9). There was a marked increase in the percentage of students admitted into Law from non-Catholic independent schools (30-44%) with a corresponding drop in government school entrants (46-33%). Yet, in 1984 independent schools provided only 17% of all the State's matriculants while the State schools provided 67%.

In 1985, 40% of all matriculant entrants into Law came from 4 private schools while 78% of all matriculant entrants came from only 12 private or Catholic schools.

A rough north/south/east/west type residential division of Adelaide clearly suggests that the more affluent eastern/north Adelaide areas are particularly strongly represented in the Law School. Dr Linke's investigation, based partly on the residence of all students confirms this and has shown that the socio-economic discrimination was most marked in Medicine and Law. Although Dr Linke's figures in general suggest that university courses are in general becoming less elitist, our figures indicate that Law is not following that general trend.

15. Selection in 1987 and beyond

Since this study was undertaken the University of Adelaide has decided that selection into law in 1987 and beyond should be based upon tertiary, not matriculation results. It is hoped that facilities will be available to enable the performance of law students to continue to be studied in order to ensure that law selection criteria remain academically fair and equitable.

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