

24 March 2015



Law Admissions Consultative Committee
GPO Box 4958
MELBOURNE VIC 3001

By email: Frances.McMurray@lawcouncil.asn.au

Dear Committee

Review of Academic Requirements

The Law Council of Australia welcomes the opportunity to comment on the limited Review of Academic Requirements for Admission to the Legal Profession (the Review) released by the Law Admissions Consultative Committee (LACC).

The Law Council of Australia is the peak national representative body of the Australian legal profession and represents over 60,000 legal practitioners nationwide. The Law Council has consulted with its constituent bodies and considered this matter through its Legal Education Committee.

While the Law Council acknowledges the importance of reviewing the Academic Requirements for Admission to the Legal Profession, the Law Council is unable to answer the questions on which public submissions are invited at this stage given the considerable scope of the review and the insufficient time provided for consultation.

The Law Council endorses the submission provided by the Council of Australian Law Deans to the Review on 3 March 2015, and provides the following brief additional comments.

The proposed Review is not limited in scope. On the contrary, it is broad and wide-ranging as it seeks to consider:

- a. whether four of the eleven Priestley 11 academic requirement subjects should continue to be fundamental threshold knowledge for all entry-level lawyers;
- b. the addition of Statutory Interpretation to the Academic Requirements;
- c. any other areas of study that should be added to the Academic Requirements;
- d. whether the Academic Requirements should be altered to take into account intellectual skills and personal attributes necessary to process and deploy the areas

- of knowledge prescribed by the Academic Requirements in legal practice in light of the development of Threshold Learning Outcomes (TLOs); and
- e. the expression of Academic Requirements generally.

In light of this scope, the Law Council submits that the time for making submissions of approximately 3-4 months – falling over the summer break period – is inadequate for the Australian legal profession to respond appropriately.

Furthermore, the Law Council considers that it is not appropriate to conduct a limited review of the Priestley 11 subjects given the structural implications for legal education that would result following any changes to the Academic Requirements.

Rather, the Law Council suggests a comprehensive national consultative review of the Academic Requirements for Admission in context of the broader structure of Australian legal education would be more suitable for any proposals raised for consultation than the high level overview offered in this Review.

The Productivity Commission released its [Access to Justice Arrangements Inquiry Report Overview](#) in April 2014 which includes recommendation 7.1 as follows:

The Law, Crime and Community Safety Council, in consultation with universities and the professions, should conduct a systemic review of the current status of the three stages of legal education (university, practical legal training and continuing professional development). The review should commence in 2015 ...

The Law, Crime and Community Safety Council should consider the recommendations of the review in time to enable implementation of outcomes by the commencement of the 2017 academic year.

It appears from this recommendation that the Productivity Commission supports conducting a comprehensive systemic review of both pre-admission and post-admission legal education requirements. The Commonwealth Government is yet to formally respond to the Productivity Commission's Report.

The Law Council recognises that it has been over 20 years since the Academic Requirements were last reviewed, during which time there have been significant changes in:

- a. the modes and types of legal practice;
- b. the needs of the profession in the skills and experience of law graduates and newly admitted practitioners;
- c. the expectations of the community, regulators and government as to the skills and experience of newly admitted practitioners;
- d. the modes of delivery of university education;
- e. the introduction and expansion of practical legal training (PLT) and its mode of delivery around Australia;
- f. the requirements for practical, on the job experience required before admission;

- g. the regulatory and quality requirements, including the Australian Qualifications Framework and TLOs, for higher education qualifications;
- h. the introduction of post-graduate law degrees for admission (that is, graduate law and juris doctor degrees) in addition to undergraduate law degrees;
- i. the internationalisation of the profession generally;
- j. increased expectations of portability of qualification outside of Australia; and
- k. increased pressure to allow admissions of experienced legal practitioners from other common law jurisdictions.

Given the significant developments in the broader context of legal education, the Law Council acknowledges that this may be an appropriate time to systematically review legal education requirements – including university education, PLT and continuing professional development.

The Law Council would be pleased to be consulted as part of a comprehensive systematic review should this be conducted by LACC in the future.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Martyn Hagan', written in a cursive style.

MARTYN HAGAN
SECRETARY-GENERAL