

LAW ADMISSIONS CONSULTATIVE COMMITTEE

UNIFORM ADMISSION ARRANGEMENTS

The primary feature which distinguishes a practising lawyer from other professionals is that a lawyer must be admitted to the profession by a Supreme Court, as a threshold requirement for becoming an Australian Legal Practitioner. Once admitted, the lawyer:

- (a) becomes an officer of the relevant Court in that jurisdiction;
- (b) owes a primary duty to that Court, which, in certain circumstances, supersedes the lawyer's other duties to the client and the community; and
- (c) may seek the relevant additional administrative authorisations from authorities other than the Court, in order to practise in the relevant jurisdiction.

Any national scheme for regulating the practice of law must preserve that close relationship between a practising lawyer and the Court. The impartial administration of justice depends on the relationship. Further, long traditions of mutual professional support and pro bono activity directly derive from, and depend upon it.

There are also significant administrative reasons for contriving geographic proximity between a practitioner and the Court by which a practitioner has been admitted.

Further, there may be legal reasons for crafting any national scheme relating to admissions with great care. LACC understands that it is an open question whether the State or Commonwealth Parliaments could validly deprive the Supreme Courts of power to admit legal practitioners to the legal profession.

1. ADMITTING AUTHORITIES

Members of the legal profession in Australia are admitted by the Supreme Court of the State or Territory in which they apply for admission. Once an applicant is admitted by one Supreme Court, all other Australian States and Territories recognise that admission as entitling a person to apply for a local practising certificate.

Although each Supreme Court retains the ultimate discretion to determine whether an applicant both has the necessary qualifications for admission and is a fit and proper person to be admitted, it generally acts upon the recommendations of a body which carefully examines the qualifications and suitability of each applicant. That body generally comprises a number of experienced legal practitioners or former practitioners, who contribute their services voluntarily.

In addition, each State and Territory Supreme Court is often assisted by a Legal Profession Admission Board or Council, which usually has statutory responsibility for determining the appropriate academic and practical legal training requirements for admission to the legal profession in that jurisdiction. The relevant Board or Council often comprises judges, legal practitioners and, in some instances, academic lawyers, who serve voluntarily.

The relevant examining body, Legal Profession Board or Council is generally supported by a group of employed administrators who carry out the relevant administrative and executive functions.

In this paper, the relevant Supreme Court, examining body, Legal Profession Board or Council are collectively referred to as the "Admitting Authority".

Co-ordination between the jurisdictions occurs through two other bodies: the Law Admissions Consultative Committee and the Association of Administrators of Law Admitting Authorities.

1.1 Law Admissions Consultative Committee (LACC)

This body was initially convened by Sir Laurence Street, then Chief Justice of New South Wales, as the Consultative Committee of State and Territorial Law Admitting Authorities, in the mid-1970s. At present, it comprises a person appointed by the Chief Justice of the Supreme Court in each jurisdiction and a person appointed by each of the Council of Australian Law Deans (**CALD**), the Australian Professional Legal Education Council (**APLEC**) and the Law Council of Australia.

The Chair of LACC is appointed by the Australasian Council of Chief Justices, which approves the Committee's Charter and to whom the Committee reports.

A member appointed by a Chief Justice is often, but need not be, a member of the relevant Legal Profession Board or Council in that jurisdiction.

The main task of LACC is to endeavour to forge consensus between the Admitting Authorities in each jurisdiction on various issues relating to qualifications and suitability of applicants for admission and on uniform policies and processes for admission.

Accordingly, the most recent Charter for which it has sought endorsement makes it the function of the Committee to "develop, consider and make recommendations about policies, procedures and other matters, directly or indirectly relevant to admission to the legal profession." In carrying out this function it is to "have regard to the desirability that policies and procedures relating to admission should be:

- (a) consistent, uniform and transparent, throughout Australia;
- (b) consistent with the development of a national profession; and
- (c) consistent with Australia's participation in the international demand for professional legal services."

The following paragraphs set out the areas in which it has sought and, for the most part, successfully achieved uniformity between jurisdictions.

1.2 Association of Administrators of Law Admitting Authorities (AALAA)

The work of LACC is promoted by active collaboration and communication between the administrators of Law Admitting Authorities and the Chairman of LACC. They seek to ensure that the areas of consensus forged by LACC are subsequently administered uniformly and consistently, in each jurisdiction.

2. UNIFORM ACADEMIC AND PRACTICAL LEGAL TRAINING REQUIREMENTS

2.1 Academic Requirements

An Australian Legal Education Council, convened as a result of a national Legal Education conference in 1975, endeavoured to produce agreement between Australian law schools about a common core of compulsory subjects to be required in each law course. Similar work was undertaken by the Ormerod Committee in England and Wales.

When it proved impossible to produce agreement between the Universities, LACC's predecessor forged an agreement between Admitting Authorities about the areas of academic knowledge which applicants for admission would be required to study before they could be admitted to the legal profession.

These areas were first acknowledged in Victoria's Admission Rules in 1985. The description of the areas of academic knowledge was subsequently expanded. The

resulting statement became known as the "Priestley 11" (after the then Chairman of LACC) and were adopted by all Admitting Authorities as compulsory elements to be included in the pre-admission academic education of any intending legal practitioner, as part of the equivalent of a three year full-time tertiary academic course in law.

The Academic Requirements have been, and will continue to be, reviewed from time to time, as the need arises. Thus, in 2007, the prescriptions for Professional Conduct were replaced by new prescriptions for Ethics and Professional Responsibility.

Presently, proposals to increase the understanding and competence of law graduates in areas of Interpretation are being discussed by the legal profession and law schools, as a result of suggestions of the Chief Justice of Victoria, made with the support of the Chief Justices of the High Court and the Supreme Court of New South Wales. These proposals may also lead to changes in the current prescriptions of the Academic Requirements.

Recent discussions between the Chairman of LACC and CALD foreshadowed that CALD might also develop other proposals aimed at keeping the prescribed Academic Requirements consistent with global trends in legal education and services.

2.2 Practical Legal Training Requirements

A similar process led to the adoption of the so-called "Priestley 12" description of knowledge areas to be acquired during an applicant's legal training, prior to admission.

Subsequently, with the assistance of APLEC, LACC developed and adopted National Practical Legal Training Competency Standards in 2002. These established national benchmarks for the standards of understanding and competence which entry-level lawyers must display in nominated skills, values and certain compulsory and optional practice areas.

Again, these National Competency Standards have been applied by all Admitting Authorities and must be acquired by applicants for admission in the course of either a PLT course or a training program in a legal office.

At its first meeting in 2009, LACC agreed to consider undertaking a general review of the National PLT Competency Standards in 2011, with the assistance of APLEC, to ensure that they also remain consistent with trends in legal services.

2.3 Conclusion

LACC has thus been an effective vehicle for forging national agreement on both the Academic and PLT requirements for admission to the legal profession, and for keeping those requirements under review and up-to-date.

3. STANDARDS FOR ACCREDITING TEACHING INSTITUTIONS AND PROGRAMS

Each jurisdiction is responsible for approving and accrediting institutions and courses for academic and practical legal training. Until recently, each jurisdiction has drawn its own conclusions about the academic institutions it would accredit as appropriate to teach the areas of knowledge required for admission. With the advent of full-time and part-time PLT courses, each jurisdiction has also made independent decisions about which PLT institutions and courses it would recognise.

For many years, the American Bar Association has operated a nation-wide scheme for assessing, inspecting and accrediting United States law schools for admission purposes. Recognising the need for a comparable mechanism in Australia, the Council of Chief Justices included the development of such a scheme in LACC's charter in 1998.

3.1 Standards for Australian Law Schools

Accordingly, LACC encouraged CALD to develop standards appropriate for evaluating and accrediting Australian law schools, which were acceptable to all law schools and which might be used by Admitting Authorities. This suggestion coincided with the development of international aspirations of both law schools and the legal profession. To attain international recognition for its programs and graduates, Australian law schools rapidly perceived the need for a transparent and credible accreditation scheme.

As a result, in March 2007, CALD received and adopted a report entitled "Standards for Australian Law Schools". CALD and LACC are presently working on institutional and procedural mechanisms to allow the same periodic assessment process for each law school to result both in accreditation for the purposes of CALD, and accreditation of the law school as an appropriate provider of each of the Academic Requirements for admission.

The South Australian Admitting Authority is presently developing principles for such co-operative assessments, which LACC will consider later in 2009.

3.2 Standards for Assessing PLT Providers and Programs

Although the desirability of developing comparable standards for PLT providers and their programs was identified in LACC's Charter in 1998, progress towards that goal has been slower. APLEC commissioned a study on how a mutual co-operative model for assessment might operate, which was completed in September 2008. One or more pilot applications of this model have occurred.

The Victorian Council of Legal Education also commissioned a study with a comparable purpose. At the request of the Victorian Council, LACC has since referred that report to all Australian PLT providers, law schools, Admitting Authorities and the legal profession for comment.

As with the Standards for Australian Law Schools, LACC aspires to assist in the development and adoption of appropriate national standards for assessing PLT providers and their programs, which might meet the appraisal and accrediting requirements of both the PLT providers and the Admitting Authorities.

3.3 Conclusion

LACC's aspiration is, within the next two years, co-operatively to develop and adopt agreed national standards and processes for assessing both Academic and PLT providers and programs, and for accrediting them to provide the relevant Academic Requirements and PLT Competencies referred to in item 2 above. It is envisaged that each institution would be reviewed on a five yearly basis; and that a review conducted pursuant to the national standards would satisfy the requirements of all Admitting Authorities.

4. UNIFORM ADMISSION RULES

The policy of mutual recognition of qualifications, adopted by the Special Premiers Conference of October 1990, spurred attempts by LACC's predecessor to achieve consensus between Admitting Authorities, not only on the academic and practical legal training requirements for admission, but on a framework for rules setting out those requirements and establishing processes for applying them to local applicants and to overseas practitioners and those with academic qualifications in law obtained overseas.

In 1992, LACC's predecessor developed Uniform Admission Rules which were:

designed for the guidance of the Boards and other authorities administering the requirements for admission to practise in each jurisdiction and are recommended for adoption in each jurisdiction.

These Rules incorporated the areas of Academic knowledge referred to in item 2.1 above. In 2002, they were revised to incorporate the National PLT Competency Standards, referred to in item 2.2 above.

Subsequent changes brought about by the Model national legislation project, and changes in both Queensland and Victoria to introduce a trainee scheme of PLT to replace the option of articles, led to a further review of the Uniform Admission Rules in 2008.

The preface to those Rules notes that the diverse approach to legislative and regulatory drafting in each jurisdiction and variations in existing institutional arrangements, mean that while each jurisdiction generally complies with the principles which underlie the Uniform Admission Rules 2002, they do so in a wide variety of ways.

There seems no prospect that any jurisdiction would presently choose to alter its Admission Rules to precisely correspond to the LACC Uniform Admission Rules. It is nevertheless prudent to set out the principles now generally reflected in the regulatory arrangements in each Australian jurisdiction, in the expectation that this may contribute to achieving and retaining common principles and practices relating to admission.

On this basis, the Uniform Admission Rules 2008 have been adopted by all Admitting Authorities. Of the Admission Rules that have been revised in the last 2 years, the Legal Profession (Admission) Rules 2008 (Vic) correspond most closely to the Uniform Admission Rules.

5. OVERSEAS APPLICANTS FOR ADMISSION

The increasing international market for legal services requires arrangements which promote both the export and import of legal services.

Australian law graduates are generally in high demand in other common-law countries. The national accreditation of Australian law schools under the CALD Standards for Australian law schools (item 3.1 above) will probably enhance export opportunities, particularly in the USA. It nevertheless seems likely that countries like Singapore, Malaysia and India will continue their present practice of requiring individual Australian law schools to apply separately for accreditation for admission purposes, even if a national Australian accreditation scheme exists.

Arrangements for importing legal services must ensure consistency in the way applicants for admission are treated. Further, they must ensure that overseas applicants have comparable academic and practical legal training to those required of Australian applicants. Finally, SCAG, the Council of Chief Justices and the Commonwealth Attorney-General's International Legal Services Advisory Council (ILSAC) have all stressed that the process for admitting overseas applicants must be "consistent, uniform and transparent." This, in turn, necessarily implies that consistent, uniform and transparent principles should be applied when assessing whether the qualifications of overseas applicants are suitable for admission in Australia.

5.1 Uniform Principles for Assessing Overseas Applicants

In 2006, LACC adopted and recommended Uniform Principles for assessing the qualifications of overseas applicants to all Admitting Authorities. They were developed from principles respectively adopted and applied over many years by Victoria (Academic Requirements) and New South Wales (PLT Requirements), for comparing academic and practical legal training and qualifications. They are premised on the regulatory requirement in many jurisdictions that overseas applicants admitted to the legal profession in Australia should have both academic and PLT education and qualifications which are "substantially equivalent" to those required of Australian applicants for admission.

(a) *Academic Requirements*

The Uniform Principles require that, where an overseas applicant has not acquired an understanding and competence in each of the 11 areas of academic knowledge required for Australian admission, in the context of the equivalent of a three year full-time law course, the applicant must undertake additional studies in Australia in the relevant areas of knowledge.

In practice, applicants from a number of common law countries are required only to study Australian State and Federal Constitutional Law and Administrative Law. In many instances, Property is also required, if the applicant has not previously studied Torrens System land registration.

Where less is known about the quality of the academic institutions in a common law country, such as former British Colonies in Northern Africa, Pakistan and India, applicants will usually be required to take all Academic Requirements in Australia, unless they can take advantage of the reciprocal arrangements for accrediting subjects referred to in item 5.3 below.

Recent changes in legal education in England and Wales allow some people to qualify for admission after only one year of University studies in law, followed by a 12 month PLT course and in-service training as either a barrister or solicitor. Applicants with these qualifications have usually only completed 4 of the 11 Academic Requirements for admission in Australia. As imposing an obligation to undertake further academic studies in 7 areas of knowledge before admission may deter some experienced English practitioners from seeking to practise in Australia, LACC, with the assistance of the Law Council, is examining various options for a system of sponsored, conditional admissions for experienced practitioners from England and Wales: see item 5.5 below.

(b) *PLT Requirements*

The Uniform Principles also provide for assessing an applicant's practical legal training. Applicants from common law countries who have completed a recognised PLT course, or those who can demonstrate that they have otherwise acquired understanding and competence in the skills, values and practice areas required by the National PLT Competency Standards, will only be required to undertake further practical legal training relating to Ethics and Professional Responsibility and Trust Accounting.

Applicants from non-common-law countries, or who have not been admitted to practise overseas or who fail to show that they have acquired understanding or competence in all of the skills, values and practice areas prescribed by the National PLT Competency Standards, will be required to undertake a PLT course in Australia.

The Uniform Principles and Guidelines for their application have been adopted and are now applied by all Admitting Authorities.

5.2 English Language Proficiency

Most Admitting Authorities have for many years had a power to require applicants to demonstrate their competence in the English language.

In 1988, the Victorian Council of Legal Education explored the possibility of developing a specific language test for applicants for admission with the Horwood Language Centre at the University of Melbourne. The cost of developing such a test proved prohibitive and the cost of administering a test to each applicant would also have provided a significant additional cost barrier to entry to the profession. Accordingly, the proposal was not pursued at the time.

In April 1992, in its Discussion Paper and Recommendations on Uniform Admission Requirements, LACC again emphasised the need to devise and administer an appropriate English Language Test for applicants whose native language is not English.

In the meantime, the Cambridge ESOL developed the International English Language Testing System (**IELTS**). Although it was not developed for a particular discipline, it is widely used as a threshold competence test for professions, as well as for entrance purposes at Australian Universities and Law Schools. Further, it allows for testing and reporting separately on listening, reading, writing and speaking skills, to graduated proficiency levels.

Following the examples set by the Australian Medical profession, LACC compared the graduated proficiency levels applied in scoring the IELTS test with the competencies specified for Lawyers Skills in the National PLT Competency Standards. This allowed appropriate band scores to be specified for each of listening, reading, writing and speaking.

In 2007, LACC thus proposed a uniform English Language Testing Policy, based on the policy adopted by the Medical profession. It specifies countries which are deemed to be English speaking for the purpose of the policy. Applicants from other countries will be required successfully to undertake the IELTS test to the specified levels, unless they satisfy certain clearly defined exemption criteria.

The Uniform Language Testing Policy has been adopted and is now applied by all Admitting Authorities. LACC has undertaken to keep the requisite band scores specified in the policy under review, to make sure that they remain appropriate.

5.3 Accrediting overseas subjects for admission purposes

As noted in item 3.1(a), in 2008 LACC introduced a scheme, which has been accepted by all Admitting Authorities, to allow law schools from former British Colonies in North Africa, Pakistan and India to apply to LACC to have subjects from their law degrees accredited for admission purposes in Australia.

This reciprocates the facility presently extended to Australian law schools by India (which presently accredits 6 of the 30 Australian law schools for admission in India), Singapore (which accredits 10) and Malaysia (which accredits 14). Applications will be centrally assessed by a committee with representatives from LACC and CALD and appropriate recommendations made to each Admitting Authority.

The principles relating to accreditation are based on the CALD Standards for Australian law schools, (item 3.1 above) and the Academic Requirements (item 2.1 above). They are available to potential applicants for admission and to law schools on LACC's website. ILSAC has also been requested to bring the scheme to the attention of appropriate overseas law schools.

5.4 Special Circumstance Admission

A strict application of the Uniform Principles in a "consistent, uniform and transparent" manner would require all overseas applicants to undertake some further academic or PLT training in Australia. Where a party to litigation wishes to engage an eminent overseas counsel to appear in a matter, it may be unnecessary to impose further pre-admission study obligations, particularly if the visitor seeks to be admitted only for the purpose of appearing in that matter.

On the other hand, under normal principles, admission to the legal profession is a continuing privilege which, because of mutual recognition, allows a person, once admitted, to decide to practise anywhere in Australia, indefinitely. Some Admitting Authorities have difficulty with a system which could allow another Admitting Authority to admit someone who lacks the prescribed qualifications (ostensibly for a particular purpose in one jurisdiction) and thereby entitle the person to indefinite admission in all Australian jurisdictions.

LACC is not aware of instances where someone who has been admitted for a particular purpose has sought to practise more generally, or in another jurisdiction. It is also possible that, if a discretion to admit unqualified applicants is exercised sparingly and by people who are, themselves, eminent, experienced and qualified, any risk of unforeseen or inappropriate consequences from such admissions may be greatly reduced. On the other hand, any such risk might be eliminated entirely if a system could be devised which might allow such people to be temporarily admitted in Australia for a particular purpose and for a limited time, to undertake legal work only in one Australian jurisdiction.

For this reason, LACC, with the assistance of the Law Council, prepared a discussion paper examining overseas practices relating to special purpose admissions. Based on that paper, LACC drafted certain provisions which would allow overseas practitioners to be admitted in one jurisdiction for a designated matter or program. Admission would be for a limited term, which might be extended for a finite but limited period by the relevant Supreme Court. Such a person would be required to practise in association with a designated Australian practitioner and to practise in only one Australian jurisdiction. If the person did anything inconsistent with the limited purpose and period of admission, the person's admission would automatically terminate.

The initial response to the proposal by Admitting Authorities has been mixed. Western Australia considers that foreign lawyers might be authorised temporarily to practise Australian law in an Australian jurisdiction by obtaining a practising certificate, without being admitted to the legal profession in Australia. South Australia has serious reservations about introducing a new avenue for admission which might undermine the Uniform Principles and allow visitors temporary admission to participate in Government programs.

Victoria, Queensland and Tasmania have generally supported the proposal, but have suggested certain clarifications and qualifications. New South Wales also proposed qualifications but has since indicated that it presently intends to continue to rely on its existing dispensing power in order to admit such applicants.

As any such scheme can probably not operate without legislative support in each jurisdiction, LACC will continue to try to forge a consensus on a proposal which is acceptable to all Admitting Authorities, before putting it to SCAG.

5.5 Experienced English Practitioners

Item 5.1 above noted the difficulty which the regulatory requirement that Overseas applicants must have "substantially equivalent" qualifications to Australian applicants causes for certain experienced English practitioners.

The Secretary-General of the Law Council and Mr Ian Govey of the Commonwealth Attorney-General's Department suggested that it might be appropriate to make exceptions both to the principle of "substantially equivalent" qualifications and to the requirements of the Uniform Principles, in the case of experienced English practitioners with particular expertise, who might be sponsored by Australian law firms to practise in the area of the applicant's designated expertise. Such applicants might be admitted, subject to a requirement to acquire any essential additional areas of knowledge through CPD during a period of conditional admission.

At its meeting In June 2009, LACC noted that preliminary work on further developing this suggestion revealed a number of difficulties. A sponsored, conditional admission scheme would not meet the needs of experienced English barristers who wish to practise in that capacity in Australia. Nor would it meet the needs of solicitors who cannot arrange sponsorship by an appropriate Australian firm in advance. Further difficulties can be foreseen in making arrangements for either or both Admitting Authorities and Practising Certificate Authorities to satisfy themselves about the supervisory capacity of a sponsoring firm or to monitor an admittee's compliance with conditions imposed on that person's admission. Again there would be difficulty in determining and describing the particular

areas of expertise to which a sponsored, conditional admission scheme might apply. Finally, there would be further difficulties in devising and accrediting CPD courses aimed at ensuring that sponsored admittees obtain "substantially equivalent" qualifications in particular subject areas as are required of Australian applicants for admission.

Given these difficulties LACC has resolved to examine whether it might be feasible to devise a system which might relieve experienced English practitioners from certain elements of the "substantially equivalent qualifications" test. Those practitioners who have previously undertaken a 3-year University law course might receive a dispensation from some, if not all, of the Academic Requirements which they would otherwise be required to undertake.

LACC is exploring whether it may be possible to enunciate any clear principles to inform the exercise of such a dispensing power. None has yet emerged and some members of the Committee doubt that it will be possible to identify any useful principles. If Admitting Authorities can agree upon such clear principles, then the exercise of a dispensing power would, itself, more closely approximate the desired objective of being "consistent, uniform and transparent."

While New South Wales and Western Australia presently have the discretion to dispense with the "substantially equivalent qualifications" requirement, in other jurisdictions legislative or regulatory changes might be necessary in order to implement such a scheme.

5.6 Conclusions

The Uniform Principles and Guidelines, together with the English Language Testing Policy provide detailed guidance for the assessment of qualifications from every overseas country, thus eliminating any risk that like cases might not be decided alike. To make sure that those responsible for assessments can readily liaise in order to ensure that decisions remain uniform, the points of assessment have been reduced from 11 to 4 from the beginning of 2009, and any potential areas of difference are referred to the Chairman of LACC, before final decisions are made. LACC and the respective Admitting Authorities are therefore confident that that the process for admitting overseas applicants now more closely approaches the desired objective of being "consistent uniform and transparent" and that like applications are generally decided alike.

However variations in applicable legislation among the States include the existence in both Western Australia and New South Wales of a broad discretion to dispense with requirements for examinations or equivalent qualifications, based on an applicant's previous experience in legal practice. At present this discretionary dispensing power is most frequently (but not exclusively) used in relation to experienced English practitioners. Neither of the relevant Admitting Authorities has indicated that it is considering any proposal to limit the operation of these broad discretions.

If the LACC initiative in item 5.5 succeeds, including enunciating principles for exercising of such a dispensing power which are acceptable to all Admitting Authorities, it might be possible to gain legislative support for a similar dispensing power in States where no such power presently exists. If so, the possibility that all like cases will be decided alike would increase. However it is not clear that these various preconditions can be met.

LACC further anticipates that the proposals for Special Circumstance Admission, referred to in item 5.4 above, may be capable of resolving any other lingering difficulties about the scope or application of the Uniform Principles and Guidelines. It notes, however, that Government support will again probably be necessary to obtain appropriate legislative amendments for any scheme to be introduced.

6. SUITABILITY CRITERIA

The relevant Supreme Court which admits an applicant must determine whether the person is both eligible for admission and a "fit and proper" person to be admitted. The Supreme Court is usually empowered to act on the certificate of an examining body in

relation to these matters; although, in most jurisdictions, the examining body may refer any matter relating to the eligibility and suitability of an applicant to the Supreme Court for determination.

Eligibility for admission is primarily determined by reference to the various principles relating to academic and PLT preparation, discussed above.

The Model laws set out a number of "suitability matters" which must be considered in determining whether or not an applicant is a fit and proper person. Hearings about such matters may be held, at which applicants for admission are obliged to appear. The frequency of such hearings is one compelling reason for ensuring that they are held locally, rather than in a central or remote location, which would require travel costs to be incurred by both Board members and applicants.

In pursuit of the objective that it is desirable that related admission procedures be "consistent, uniform and transparent", in 2007 LACC asked AALAA to compare the way in which various suitability matters are assessed in each Australian jurisdiction. It is possible that this study may reveal areas about which further agreement between Admitting Authorities is desirable.

One current issue concerns incidents of plagiarism and cheating which occur in the course of an applicant's tertiary education. In 2008, Victoria legislated expressly to require the Board of Examiners to consider whether an applicant has been the subject of any disciplinary action arising from the applicant's conduct while attaining academic or PLT qualifications. Difficulties have arisen both in informing students of the potential effect which such conduct may have on a subsequent application for admission, and in obtaining the ready cooperation of law schools and Universities in making potentially relevant information available to Admitting Authorities.

At the request of CALD, LACC has asked the Victorian Board of Examiners and the AALAA to assist it to develop a Statement about Academic Misconduct, with a view to Admitting Authorities adopting it for promulgation to law schools, Universities and prospective applicants for admission to the legal profession.

July 2009