

# Appendix 5 – Work Experience Rules South Australia, Queensland and Victoria

These rules are subject to change please refer to website for current rules.

The College of Law Practical Legal Training Program (*the Program*) satisfies the practical legal training requirements for direct admission to legal practice in Australia.

The Program consists of three components:

1. The Coursework Component
2. The Work Experience (*WE*) Component (part of which may be completed by undertaking the Clinical Experience Module - *CEM*), and
3. The Continuing Professional Education Component (*CPE*).

## Definitions

Terms	Definition
Legal practitioner	A legally qualified person, however called, who holds a practicing certificate in an Australian jurisdiction
Work Experience Component ( <i>WE</i> )	One of the 3 <i>Program</i> components to be undertaken by students in order to satisfy the requirements for completion of the Program. Students may elect to satisfy part of this component by undertaking the <i>CEM</i>
Clinical Experience Module ( <i>CEM</i> ) (rule 5)	An alternative program of practical activities, completion of which will substitute for 60 days of the <i>WE</i> Component
Minimum Period of <i>WE</i> (rules 4, 5 & 8)	15 days within Australia either concurrently with or after completion of the <i>Coursework Component</i> and accrued at a minimum rate of 2 days per week
Additional Period of <i>WE</i> (rules 3,4,5 & 8)	Either before, during or after completion of the <i>Coursework Component</i> and 60 days if undertaking 75 days of <i>WE</i>
Work Experience Committee ( <i>WEC</i> )	The Work Experience Committee
Continuing Professional Education ( <i>CPE</i> )	The Continuing Professional Education Component which requires a declaration to evidence its completion

## Rules

Rule	Section
1. The application process	<p>1.1 In order to have your <i>WE</i> placement approved you must complete the <i>WE</i> Application for Approval of Placement (including retrospective placements) and submit it to the <i>WEC</i>.</p> <p>1.2 Approval in accordance with 1.1 should be obtained before you commence the <i>WE</i>. Students contemplating overseas <i>WE</i> placements must refer to Rule 8.</p> <p>1.3 If you do not obtain approval before you commence the <i>WE</i> placement, then retrospective approval of the <i>WE</i> will be at the discretion of the <i>WEC</i> but subject to the requirements of any relevant regulatory body.</p> <p>1.4 When you complete an approved <i>WE</i> placement you must submit a <i>WE</i> Declaration which:</p> <ol style="list-style-type: none"> <li>(a) confirms and details dates of the <i>WE</i> undertaken in accordance with these rules;</li> <li>(b) confirms that you have been supervised by the approved supervisor;</li> <li>(c) includes an acknowledgement signed by the approved supervisor; and</li> <li>(d) includes an Annexure of days worked.</li> </ol> <p>1.5 If you are undertaking the 75 day option for <i>WE</i> you must:</p> <ol style="list-style-type: none"> <li>(a) complete and submit a reflective journal in the prescribed form in respect of the <i>Minimum Period of WE</i> (see definition);</li> <li>(b) ensure the reflective journal is signed by an approved supervisor during the <i>Minimum Period of WE</i> (see definition).</li> </ol> <p>1.6 If you are undertaking the <i>CEM</i> the reflective journal is not required as reflection occurs during the <i>CEM</i> coursework.</p>
2. Nature of <i>WE</i>	<p>Your <i>WE</i> must occur in the delivery of legal services and include:</p> <ol style="list-style-type: none"> <li>2.1 application of legal knowledge and skills to the resolution of real-life legal problems;</li> <li>2.2 experience of procedures and dynamics commonly found in offices in which legal services are provided;</li> <li>2.3 experience in the process of becoming a professional practitioner of the law including the majority of: <ol style="list-style-type: none"> <li>(a) significant contact with external or in house clients of the <i>WE</i> placement;</li> <li>(b) drafting documents;</li> <li>(c) legal research; and</li> <li>(d) using a file management system.</li> </ol> </li> <li>2.4 If only part of your <i>WE</i> placement satisfies all other rules then the <i>WEC</i> may consider an application, accompanied by a submission signed by your supervisor as to the percentage of compliant <i>WE</i> undertaken.</li> </ol>

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3. Time limits for WE	<p>3.1 All <i>Program</i> components must be completed within a 4 year period.</p> <p>3.2 If you complete the <i>Coursework Component</i> first, you must commence the <i>WE Component</i> within 2 calendar years of completing the <i>Coursework Component</i>.</p> <p>3.3 If you complete the <i>Additional Period of WE</i> (see definition) <i>Component</i> first, you must commence the <i>Coursework Component</i> within 2 calendar years of completing the <i>Additional Period</i> (see definition) of the <i>WE Component</i>.</p> <p>3.4 In addition, if you undertake the <i>CEM</i>, then rule 5 applies.</p>
4. Required duration of WE	<p>If you are not undertaking the <i>CEM</i>, then rules 4.1 – 4.8 apply. If you are undertaking the <i>CEM</i>, then rules 5.1- 5.7 apply.</p> <p>4.1 <i>WE</i> must total 15 weeks (the equivalent of 75 days).</p> <p>4.2 <i>The Additional Period of WE</i> (see definition) can be undertaken within the 2 years preceding commencement of the <i>Coursework Component</i>.</p> <p>4.3 <i>The Additional Period of WE</i> (see definition) may be made up by aggregation of multiple placements. Each placement may consist of multiple periods of <i>WE</i> provided that each period is at least 1 day (7 working hours) per week, which can be made up of 2 or more half days (4 hours) in any week.</p> <p>4.4 <i>The Minimum Period of WE</i> (see definition) must occur in Australia and be accrued concurrent with or after the <i>Coursework Component</i>.</p> <p>4.5 <i>The Minimum Period of WE</i> (see definition) may be made up by aggregation of multiple placements. Each placement may consist of multiple periods of <i>WE</i> provided that each period is at least 2 full days (7 working hours) per week which can be made up of 4 or more half days (4 hours) in any week.</p> <p>4.6 <i>WE</i> may be undertaken on weekends.</p> <p>4.7 The maximum <i>WE</i> that will be recognised in any 24 hour period is 1 day.</p> <p>4.8 If you undertake the <i>Coursework Component</i> full time then you can only accrue 2 days <i>WE</i> per week during the <i>Coursework Component</i>.</p>
5. The <i>CEM</i>	<p>If you are undertaking the <i>CEM</i> then the following rules also apply. You must:</p> <p>5.1 (a) submit the <i>CEM</i> enrolment form. (b) complete 15 days of compliant <i>WE</i> before commencing the <i>CEM</i> (see definition of <i>minimum period</i>).</p> <p>5.2 To be eligible for consideration <i>WE</i> must be undertaken in the 2 calendar years prior to commencement of the <i>CEM</i>. The <i>minimum period of WE</i> (see definition) must be undertaken in Australia either concurrently with or after the <i>Coursework Component</i>.</p> <p>5.3 <i>The Minimum Period of WE</i> (see definition) may be made up by aggregation of multiple placements. Each placement may consist of multiple periods of <i>WE</i> provided that each period is at least 2 full days (7 working hours) per week which can be made up of 4 or more half days (4 hours) in any week.</p> <p>5.4 <i>WE</i> may be undertaken on weekends.</p> <p>5.5 The maximum <i>WE</i> that will be recognised in any 24 hour period is 1 day.</p> <p>5.6 In addition to the 15 days <i>WE</i> you must satisfactorily complete the <i>CEM</i> coursework activities.</p> <p>5.7 If you undertake the <i>Coursework Component</i> full time then you can only accrue 2 days <i>WE</i> per week during the <i>Coursework Component</i>.</p>
6. Placement requirements	<p>6.1 Your <i>WE</i> placement must be supervised and can be undertaken with:</p> <p>(a) a legal practitioner in private practice; or</p> <p>(b) any government, semi-government or corporate legal office or department, employer or employee association, recognised by the <i>WEC</i> as being a place in which appropriate <i>WE</i> might be undertaken; or</p> <p>(c) a judge to carry out legal research and provide legal services; or</p> <p>(d) a tribunal member (who is a legal practitioner) to carry out legal research and provide legal services; or</p> <p>(e) a Community Legal Centre, as defined in the relevant statute governing the legal profession in the Australian jurisdiction where you are undertaking the <i>WE</i>; or</p> <p>(f) any other person or organisation which the <i>WEC</i> recognises as being a placement in which the applicant might undertake appropriate <i>WE</i> as described in rule 2, subject to the <i>WE</i> otherwise meeting the requirements of these rules.</p>

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7. Supervision	<p>7.1 A person may be a supervisor if he/she:</p> <ul style="list-style-type: none"> <li>(a) holds a full practising certificate as a legal practitioner; or</li> <li>(b) holds a restricted practising certificate as a legal practitioner which he/she has held for 2 years; or</li> <li>(c) is a person admitted to the legal profession by the Supreme Court of any Australian jurisdiction who is eligible to hold a practising certificate and who provides written submissions to the WEC that satisfy the Committee that he/she can provide appropriate practical experience; or</li> <li>(d) is a judge; or</li> <li>(e) is a tribunal member who is a legal practitioner.</li> </ul> <p>7.2 A supervisor must not have been the subject of an adverse finding by any relevant court, licensing authority or disciplinary body under the law governing the legal profession in any relevant jurisdiction unless he/she makes full disclosure to the WEC and the WEC is satisfied that the adverse finding should not preclude the person from being a supervisor.</p>
8. Jurisdiction of placements	<p>8.1 The <i>Minimum Period of WE</i> (see definition) must be undertaken in Australia.</p> <p>8.2 The <i>Additional Period of WE</i> (see definition) may be undertaken in Australia or outside Australia if that experience is undertaken in a common law jurisdiction or practising common law and the supervisor:</p> <ul style="list-style-type: none"> <li>(a) holds a practising certificate issued by a common law jurisdiction; and</li> <li>(b) is in all other respects regarded by the WEC as a satisfactory supervisor.</li> </ul> <p>8.3 If the supervisor holds a practising certificate outside of Australia you must also provide copies of:</p> <ul style="list-style-type: none"> <li>(a) the supervisor's licence/practising certificate; and</li> <li>(b) the supervisor's academic qualification in law.</li> </ul>
9. Constitution of the WEC	<p>9.1 There is a WEC which is appointed by, and reports to, the Board of Governors of the College of Law and to the College of Law Academic Board.</p> <p>9.2 Members of the WEC may hold office for 2 years and may be reappointed.</p> <p>9.3 The Executive Director of the state in which a student is enrolled or intends to enrol, the Student Services Manager and the Senior Student Services Officer are ex officio members of the WEC.</p> <p>9.4 The WEC may regulate its own procedures in implementing these rules.</p>
10. Dispensation from compliance with these rules	<p>10.1 Subject to the requirements of any relevant regulatory body, the WEC may dispense with compliance with any aspect of these rules where it is satisfied that non-compliance is minor or that undue hardship may result from a strict application of the rules.</p> <p>10.2 In cases of dispensation, the College Principal is the Executive Officer with responsibility for co-ordination of the WEC and the WE rules and is authorised to dispense with so much of these rules as is necessary to give effect to the overall purpose and requirements of these rules as they might apply to any individual case or circumstance.</p>
11. Rejection of applications	<p>11.1 If the WEC refuses to approve your WE application, then the WEC must provide you with written reasons within a reasonable time of the refusal.</p>
12. Appeals process	<p>12.1 There is an Appeals Committee which is appointed by the College Board.</p> <p>12.2 The Appeals Committee may prescribe rules and guidelines covering the conduct of appeals.</p> <p>12.3 Appeals can only be made on the grounds of procedural unfairness, irregularity or improper exercise of the WEC's discretion under Rule 10 and shall not proceed by way of re-hearing.</p> <p>12.4 The Appeals Committee may:</p> <ul style="list-style-type: none"> <li>(a) dismiss the appeal;</li> <li>(b) refer your application back to the WEC with such directions as it sees fit; or</li> <li>(c) substitute its own determination of your application for that of the WEC.</li> </ul>