# AUSTRALIAN LEGAL EDUCATION: STILL SERVING THE NEEDS OF THE LEGAL PROFESSION?

THE HON JUSTICE SARAH C DERRINGTON AM*

## I INTRODUCTION

The content and quality of Australian legal education is diverse. Diversity is generally considered a virtue in today's society, but I would like to suggest that, in the context of preparing those who will exercise enormous power over other people's lives and fortunes, diversity should be at the margin. Members of the public who need recourse to a lawyer should be confident that there is a fundamental standard of legal education that has been attained by every person who is admitted to practice. Whilst it is true that graduate outcome surveys over the past decade indicate that somewhere between 30–40% of law students do not intend to practise as lawyers, in my view, that is not a reason to offer students a substandard law degree that is not fit for the purpose of practising law.

This evening, I intend to speak only about the academic content of law degrees. The Chief Justice of New South Wales, the Hon Andrew Bell AC, together with Justices Tony Payne and Jeremy Kirk, and Emeritus Professor Michael Quinlan, last year released a *Discussion Paper on Practical Legal Training Reform*.[1] I do not intend to enter that fray. Nevertheless, it is clear that disquiet has been growing amongst the profession about both the practical legal training ('PLT') component and the academic component of preparation for the practice of law.

In its June 2025 submission to the Legal Services Council on the proposed revisions to the *Accreditation Standards for Australian Law Courses*, to which I will return, the Law Council of Australia drew attention to the 2021 study conducted by the Queensland Law Society and the Centre for Professional Legal Education at Bond University.[2] That study found that only 51% of respondents considered

* Judge of the Federal Court of Australia; Professor Emerita, The University of Queensland. This is an edited version of the 2026 Macrossan Lecture delivered in the Banco Court of the Supreme Court of Queensland on 18 March 2026. I am grateful to my Associate, Mr Alexander Zagami, who undertook much of the data collection.

1 Legal Profession Admission Board of New South Wales, *Discussion Paper on Practical Legal Training Reform* (30 September 2025) ('*PLT Discussion Paper*').

2 Law Council of Australia, Submission to Law Admissions Consultative Committee, Legal Services Council, *Consultation on Proposed Revisions to the Accreditation Standards for Australian Law Courses* (26 June 2025) 2 [7].

DOI: 10.38127/uqlj.17243

students had foundational levels of substantive law.[3] It is not possible to say whether that figure is any worse than in decades past.

The Law Council is the peak body for the Australian legal profession. Its overarching position in the submission to the Legal Services Council indicates that the Law Council's answer to the question I have posed in the title to this lecture is 'no'. The Law Council said: 'There is an ambient concern within the legal profession that many law graduates in Australia do not possess sufficient threshold knowledge and skills to be regarded as "practice ready".'[4] It endorsed 'a more concentrated approach focussed on the teaching of Priestley 11 subjects, centring core skills and knowledge in graduate attributes, and ensuring the integrity of results'.[5]

## II Setting the Scene

Let me start with some general observations.

There are 39 universities around the country offering primary degrees in law (by which I mean an LLB or JD). In addition, the Graduate Diploma in Legal Practice is offered through the Law Society of New South Wales, and Top Education Group Ltd also offers qualifications leading to admission. That is 41 schools for a population of 27.5 million, almost twice as many as in Canada which has a similar population.[6] Approximately 15,000 law students graduated in 2025.[7] A recent article in the *Law Society Journal* reported a partner of Piper Alderman saying there can be 500 applications for four or five graduate positions.[8] Unsurprisingly, there is a dearth of graduates prepared to relocate to rural and regional locations from major cities — but that is a discussion for another day.

Why do we have so many law schools? It is clear that there is not capacity within the legal profession to absorb the numbers of graduates. What we do know is that universities love law schools. They are cheap to run (unless teaching and assessment is done properly) and of course, attract the highest fees. In other words, law students, along with those studying commerce and economics, communications, and society and culture, cross-subsidise students in every other discipline.

As a corollary to that observation, it is arguable that the barriers to enter law school are set too low, particularly where the vast majority of law schools offer undergraduate degrees straight out of school, unlike in Canada or the United States. As we will see from the *Accreditation Standards*, no minimum entry

---

3 Francina Cantatore, Tayna Atwill and Rachael Field, *The Job Readiness of Law Graduates and Entry Level Solicitors in Private Practice* (Report, 1 December 2022) 23.

4 Law Council of Australia (n 2) 2 [7].

5 Ibid 2 [5].

6 Angela Tufvesson, 'Is Australia Producing Too Many Law Graduates?', *Law Society Journal* (online, 12 November 2025) <https://lsj.com.au/articles/is-australia-producing-too-many-law-graduates/>.

7 Ibid.

8 Ibid.

requirement exists for entry into a law degree. Consequently, universities who want to enrol students in a law program have no difficulty finding students. This year, the minimum ATAR ranges from 63 to 99.5.[9] In OP language, that equates with roughly an OP 16 to 1. For those even older, a TE range of 630 to 990. Many of you will recall that one needed a minimum of 880 to obtain a place in Arts at The University of Queensland in the early 90s.

*Table 1: 2026 ATAR Entry Requirements by Law School*

| Law School | ATAR | Law School | ATAR |
|---|---|---|---|
| **Adelaide University** | 80 | Southern Cross University (5 x 6wk terms) | 80 |
| Australian Catholic University | 67.25 | Swinburne University of Technology | 78 |
| **Australian National University** | 97.7 | University of Canberra | 82.8 |
| Bond University (trimesters) | 85 | **University of Melbourne** | 99.8 (JD) |
| Central Queensland University | 74 | University of New England (trimesters) | 83.6 |
| Charles Darwin University | 63.45 | **University of New South Wales** (3 x terms) | 97.7 |
| Charles Sturt University | 80.35 | University of Newcastle | 87.25 |
| Curtin University (trimesters) | 90 | University of Notre Dame | 80.9 |
| Deakin University (trimesters) | 84.5 | **University of Queensland** | 97.5 |
| Edith Cowan University | 85.75 | University of Southern Queensland (trimesters) | 77 |
| Flinders University | 75.8 | **University of Sydney** | 99.5 |
| Griffith University (trimesters) | 78 | University of Tasmania | 80.25 |
| James Cook University (trimesters) | 73.6 | University of Technology, Sydney | 98.7 |
| La Trobe University | 87.15 | University of the Sunshine Coast (trimesters) | 70 |
| Macquarie University | 96.05 | **University of Western Australia** | 93.15 (JD) |
| **Monash University** | 95 | University of Wollongong | 85.34 |
| Murdoch University | 90 | Victoria University | 75 |
| Queensland University of Technology | 84 | Western Sydney University | 90.1 |
| RMIT University | 70.55 | | |

[9] The ATAR data was sourced from the Universities Admission Centre (uac.edu.au), the Tertiary Institutions Service Centre, WA (tisc.edu.au), or the relevant law school web pages and was accurate as at 20 March 2026. In accordance with Commonwealth transparency requirements, the lowest selection rank for each law school must be published and includes any adjustment factors.

Law schools have also become adept at offering courses, if not entire degree programs, online, especially since COVID. This has further removed barriers to entry for students who are unable, or unwilling, to attend a campus and engage in face-to-face learning. At one level, that is a good thing.

The practice of law has become truly national and so too legal education. Law students no longer necessarily attend law school in or around their hometown or city. Many are keen to study interstate, and I am aware from personal experience that many graduates wish to commence their legal careers in a state other than where they completed their law degrees.

Not so long ago, the practice of law was quite parochial. One was admitted to practice in a particular state or territory, and mutual recognition of admission in one state was not assured. At my own admission in 1990, the then Solicitor-General for the Commonwealth, Gavin Griffith QC, was denied absolute admission on the basis that he was not resident in Queensland. This was front page news in *The Australian* the following day where the comparison was, unfortunately, drawn with me, who had been unconditionally admitted, according to the paper because I just 'happened to be the daughter-in-law of a Supreme Court Judge'.

Since that time, much has changed. As the Australian Law Reform Commission's DataHub reveals, as at 12 December 2022, the Commonwealth statute book exceeds 280,000 pages — that equates to 533 copies of *Ulysses* or 252 copies of *War and Peace*.[10] The Commission's analysis shows that the average length of Commonwealth Acts increased rapidly during and after the 1980s.[11] The increase in length and complexity can be seen most clearly in statutes that have a direct impact on individual citizens: the *Health Insurance Act 1975* (Cth), the *Social Security Act 1991* (Cth), the *Migration Act 1958* (Cth). The *Corporations Act 2001* (Cth) and associated legislation grew by 50,000 pages between 2010 and 2021. Commonwealth legislation now encroaches on many areas of law that might have once been solely state-based; for example, the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) may be important to any number of real property transactions or commercial developments.

Because of the exponential increase in federal law, it should therefore be unsurprising that the government and corporate sectors of legal practice have experienced the greatest growth — 105% and 54% respectively over the decade. By contrast, the private sector has grown only 32%. That said, two-thirds of the profession works in private practice. Of those, 37% are sole practitioners — many of whom may need to deal with federal law in the context, for example, of family law disputes, social security issues, and migration matters. The large practices,

---

10 'The Statute Book Today', *Australian Law Reform Commission* (Web Page, 12 December 2022) <https://www.alrc.gov.au/datahub/the-commonwealth-statute-book/the-statute-book-today/>.

11 'A Short History of a Long Statute Book', *Australian Law Reform Commission* (Web Page, 12 December 2022) <https://www.alrc.gov.au/datahub/the-commonwealth-statute-book/a-short-history-of-a-long-statute-book/>.

those with 21 or more principals, account for fewer than 1% of law firms, although they employ one in five (21%) of solicitors.[12]

## III The Regulatory Framework

Let me turn briefly to the regulatory framework of the profession.

Despite the so-called 'Legal Profession Uniform Law' applying only to New South Wales, Victoria and Western Australia, the Australian legal profession is, as I have already said, a national profession. Under the auspices of the Legal Services Council, which oversees the Legal Profession Uniform Law, the Law Admissions Consultative Committee ('LACC') is tasked with forging consensus on admission and admission-related matters nationally between the bodies represented by its members. The members of LACC include one person nominated by the Chief Justice of each state and territory (Queensland's representative is Justice Tom Sullivan), a nominee of the Council of Australian Law Deans, a nominee of the Australian Professional Legal Education Community and a nominee of the Law Council of Australia. LACC reports to the Council of Chief Justices of Australia and New Zealand, which appoints the Chair — currently, Justice Francois Kunc of the Supreme Court of New South Wales.[13]

Amongst other documents, LACC has developed *Accreditation Standards for Australian Law Courses*, *English Language Proficiency Guidelines*, *Prescribed Academic Areas of Knowledge*, *Statement on Duration of Legal Studies*, and *Statement on Statutory Interpretation.*[14]

Each state and territory has a Legal Practitioners Admission Board, variously described. In Queensland, it is established under the *Legal Profession Act 2007* (Qld). It comprises two solicitors, two barristers, one solicitor nominated by the Queensland Law Society, one barrister nominated by the Bar Association (all of whom are appointed by the Chief Justice), the Registrar of the Supreme Court, and a person nominated by the Minister.[15] One of the Board's functions is to approve academic qualifications. It has approved the academic qualifications of the 10 law schools currently offering law degrees.[16]

---

12 Urbis, *2024 National Profile of Solicitors* (Report, 13 June 2025).

13 See 'Law Admissions Consultative Committee (LACC)', *Legal Services Council* (Web Page, 13 February 2026) <https://legalservicescouncil.org.au/about-us/law-admissions-consultative-committee.html>.

14 See ibid.

15 *Legal Profession Act 2007* (Qld) s 660.

16 The 10 law schools are at The Australian Catholic University, The University of Queensland, Queensland University of Technology, Griffith University, James Cook University, Bond University, The University of Southern Queensland, Central Queensland University, University of the Sunshine Coast, and Southern Cross University.

## IV The Accreditation Standards

The *Accreditation Standards for Australian Law Courses* were published by LACC in July 2018. Draft *Revised Standards* were proposed by LACC in March 2025.

### A *Existing Standards*

The existing standards deal with six matters, which are, in summary:

1. *The nature of the law course:* being a coherent sequence of units of study leading to the award of a qualification in law provided by a self-accrediting provider or accredited by the Tertiary Education Quality and Standards Agency;
2. *The duration of the law course:* being at least the equivalent of three years' full-time study in law;
3. *Learning outcomes:* there must be a statement of learning outcomes for the course directed to enabling students to acquire and demonstrate appropriate understanding and competence in the prescribed areas of knowledge;
4. *Content of the law course:* being each of the specified elements in each of the Priestley 11 and the requirements of the LACC *Statement on Statutory Interpretation*;
5. *Teaching the law course:* each Priestley subject and any subject relating to statutory interpretation must be taught by people qualified to teach that area of knowledge, using teaching methods, and while providing each student with ready access to legal information resources, that are sufficient in quantity and quality to enable the student to acquire the appropriate understanding and competence in each element of every prescribed area of knowledge; and
6. *Assessing understanding and competence:* assessment requirements verify that a student has acquired appropriate understanding and competence in every prescribed area of knowledge and acquired the relevant knowledge and skills in the LACC *Statement on Statutory Interpretation* and requires a student to achieve at least a pass grade.[17]

[17] Law Admissions Consultative Committee, *Accreditation Standards for Australian Law Courses* (July 2018) 6–12 ('*Accreditation Standards*').

## B *Draft Revisions*

The draft *Revised Standards* include the following.

A **new Standard 1,** dealing with 'The delivery of the law course', is proposed in the following terms: 'The law course, or one or more of the units which comprise it, may be delivered fully or partially online.'[18]

The Law Council of Australia submitted that it should not be possible for a student to undertake a law degree wholly online and enter legal practice.[19] I agree. The Law Council endorsed the submission made by the peak professional body in Victoria, the Law Institute of Victoria, which said that 'the study of law should be rooted in human interaction'.[20] It drew particular attention to the observations of Chief Justice Bell, who said in a speech in 2023:

> [T]he practice of law involves many soft skills which cannot be acquired by watching a recorded lecture, posting in a discussion forum or attending a Zoom tutorial. Interpersonal skills and connections critical for full participation in the profession can be formed by participating in on-campus extra-curricular activities, socialising with peers, and having informal conversations with teaching staff before, during and after classes.[21]

Neither the Queensland Law Society nor the Legal Practitioners Admissions Board made a submission.

**Revised Standard 1** (proposed **Standard 2**) does no more than make explicit that dual degree programs are covered.[22]

**Revised Standard 2** (proposed **Standard 3**) adds to the requirement that a law degree be the equivalent of three years' full-time study, that '[i]ntensive or block delivery should only be used for a prescribed area of knowledge where the law school satisfies the Admitting Authority that it is appropriate in all the circumstances'.[23]

In other words, the proposed revision establishes that intensive or block delivery is only appropriate for elective courses. Some context is perhaps important. One Victorian law school teaches in four-week blocks, another in six-week blocks. Some law schools have adopted nine-week trimesters.

---

18 Law Admissions Consultative Committee, *Accreditation Standards for Australian Law Courses (with Proposed Amendments for Public Consultation)* (24 March 2025) 7 ('*Revised Standards*').

19 Law Council of Australia (n 2) 3 [12].

20 Law Institute of Victoria, Submission to Law Admissions Consultative Committee, Legal Services Council, *Consultation on Proposed Revisions to the Accreditation Standards for Australian Law Courses* (6 June 2025) 2.

21 Chief Justice Andrew Bell, 'Remarks for Launch of Luke Nottage and Mokoto Ibusuki (eds), *Comparing Online Legal Education: Past, Present, and Future*' (Speech, Sydney Law School, 3 August 2023) 5 [24].

22 *Revised Standards* (n 18) 7.

23 Ibid.

The Law Council welcomed this proposal and said: 'As a matter of policy, we are of the view that the Priestley subjects require a degree of depth that can only be acquired over time. The intensification of legal education … risks the student not having sufficient time to absorb and actively retain the material.'[24]

**Revised Standard 3** (proposed **Standard 4**) requires learning outcomes to be directed to statutory interpretation, as well as to the other prescribed areas.[25]

As to learning outcomes, in 2010 the Council of Australian Law Deans ('CALD') endorsed six Threshold Learning Outcomes ('TLOs') for the Bachelor of Laws degree. TLOs represent what a Bachelor of Laws graduate is expected 'to know, understand and be able to do as a result of learning'.[26] TLOs also exist for JD degrees. The TLOs were developed by a project group funded by the Australian Learning and Teaching Council. Relevantly, those designing the TLOs recognised that not all students pursue legal study with the purpose of seeking admission to practice.

The TLOs are the minimum outcomes expected of graduates. They are:

> TLO 1: Knowledge
>
> Graduates of the Bachelor of Laws will demonstrate an understanding of a coherent body of knowledge that includes:
>
> (a) the fundamental areas of legal knowledge, the Australian legal system, and underlying principles and concepts, including international and comparative contexts,
>
> (b) the broader contexts within which legal issues arise, and
>
> (c) the principles and values of justice and of ethical practice in lawyers' roles.
>
> TLO 2: Ethics and professional responsibility
>
> Graduates of the Bachelor of Laws will demonstrate:
>
> (a) an understanding of approaches to ethical decision-making,
>
> (b) an ability to recognise and reflect upon, and a developing ability to respond to, ethical issues likely to arise in professional contexts,
>
> (c) an ability to recognise and reflect upon the professional responsibilities of lawyers in promoting justice and in service to the community, and
>
> (d) a developing ability to exercise professional judgement.

---

24 Law Council of Australia (n 2) 4 [20].

25 *Revised Standards* (n 18) 9–10.

26 Australian Learning and Teaching Council, *Bachelor of Laws: Learning and Teaching Academic Standards Statement* (Final Report, December 2010) 1.

TLO 3: Thinking skills

Graduates of the Bachelor of Laws will be able to:

(a) identify and articulate legal issues,

(b) apply legal reasoning and research to generate appropriate responses to legal issues,

(c) engage in critical analysis and make a reasoned choice amongst alternatives, and

(d) think creatively in approaching legal issues and generating appropriate responses.

TLO 4: Research skills

Graduates of the Bachelor of Laws will demonstrate the intellectual and practical skills needed to identify, research, evaluate and synthesise relevant factual, legal and policy issues.

TLO 5: Communication and collaboration

Graduates of the Bachelor of Laws will be able to:

(a) communicate in ways that are effective, appropriate and persuasive for legal and non-legal audiences, and

(b) collaborate effectively.

TLO 6: Self-management

Graduates of the Bachelor of Laws will be able to:

(a) learn and work independently, and

(b) reflect on and assess their own capabilities and performance, and make use of feedback as appropriate, to support personal and professional development.[27]

**Revised Standard 4** (proposed **Standard 5**) adds the requirement that there be a total of at least 36 teaching hours in each prescribed area of knowledge.[28]

As to the **content** of the law course, the basic content requirements of an accredited law degree have remained essentially unchanged since they were conceptualised by Justice Priestley in 1982. Known as the '**Priestley 11**', all accredited degrees must cover the following prescribed areas of knowledge:

---

[27] Ibid 10.

[28] *Revised Standards* (n 18) 10–11.

*Table 2: 'Priestley 11' Prescribed Areas of Knowledge*

| Criminal Law and Procedure | Torts | Contracts | Property |
|---|---|---|---|
| The general doctrines of criminal law; and examination of both offences against the person and offences against property; and various defences; and elements of criminal procedure. | Negligence and a representative range of torts, with some consideration of defences and damages; and alternative methods of providing compensation for accidental injury; and such topics as concurrent liability, defamation, economic torts, nuisance, breach of statutory duty and compensation schemes. | The formal requirements for concluding contracts, capacity, the content and interpretation of contracts, and their performance and discharge; and available remedies; and the broad theoretical basis of contract. | The nature and type of various proprietary interests in chattels and land, and their creation and relative enforceability at law and in equity; and statutory schemes or registration for both general law land and Torrens land; and fixtures, concurrent interests and more detailed treatment of such matters as sale of land, leases, mortgages, easements and restrictive covenants. |
| **Equity** | **Company Law** | **Administrative Law** | **Federal and State Constitutional Law** |
| The elements of trust law; and equitable doctrines apart from those relating to trusts and equitable remedies; and the various kinds of trusts; and the rights, duties and powers of trustees; and the consequences of breach of trust; and equitable doctrines, including fiduciary obligations, equitable assignments, unconscionability and confidential information; and the remedies of specific performance, injunction, declaration and damages in equity. | An analysis of incorporation and its effects, and management and control of a company; and the various methods of financing by the issue of shares and by debts; and the processes of winding up a company. | Traditional common law remedies concerning judicial review of administrative action; and the range of Commonwealth and State statutory regimes. | The major principles of the relevant State or Territory constitution and the Commonwealth Constitution; and the relationship between the different Commonwealth and State or Territory laws; and a general knowledge of the scope of State or Territory and Commonwealth constitutions. |

| Civil Dispute Resolution | Evidence | Ethics and Professional Responsibility |
|---|---|---|
| The general study of rules of civil procedure relevant in the State or Territory; and jurisdiction, and the initiation and service of process; and the definition of issues through pleading; and judgement enforcement. | The examination of both the sources and acceptability of evidence; and the rules concerning the burden and standard of proof; and the rules concerning such matters as relevance, the hearsay rule and exceptions to hearsay, admissions and the discretion to exclude evidence. | The various pertinent rules concerning a practitioner's duty to the law, the courts, clients and fellow practitioners; and a basic knowledge of the principles relating to the holding of money on trust. |

The above table sets out the short form description of each prescribed area of knowledge. However, the standards in fact require that *each element of each of the prescribed areas of knowledge* be taught.[29]

The below table describes the elements of just two areas of prescribed knowledge: Property and Equity.

***Table 3: Each Element of Each Prescribed Area***

| Property | |
|---|---|
| Meaning and purposes of the concept of property | Statutory schemes of registration |
| Possession, seisin and title | Acquisition and disposal of proprietary interests |
| Nature and type (ie fragmentation) of proprietary interests | Concurrent ownership |
| Creation and enforceability of proprietary interests | Proprietary interests in land owned by another |
| Legal and equitable remedies | Mortgages |
| **Equity** | |
| The nature of equity | Trusts, with particular reference to the various types of trusts and the manner and form of their creation and variation. The duties, rights and powers of trustees should be included, as should the consequences of breach of trust and the remedies available to, and respective rights of, beneficiaries. (It is expected that about half the course will be devoted to trusts.) |
| Equitable rights, titles and interests | |
| Equitable assignments | |
| Estoppel in equity | |
| Fiduciary obligations | |
| Unconscionable transactions | |
| Equitable remedies | |

I venture to suggest that if Equity and Trusts are taught together in one typical 13-week semester comprised of a two-hour lecture and a one-hour tutorial (or a variation thereof), it is impossible to 'teach' each element of the prescribed area of knowledge. I cannot imagine attempting to absorb the law of

[29] *Accreditation Standards* (n 17) 9–11.

trusts in six weeks. It may, of course, be possible to mention each element in a reading guide or within course materials, but it beggars belief that any student could be assessed as having an appropriate understanding of and competence in the law of Equity and Trusts within that space of time, particularly if the student is taking three other courses and working in excess of 20 hours a week, as is common.

The only material change to the prescribed areas of knowledge has been in response to the *Statement on Statutory Interpretation* released by LACC in February 2010. It states five matters a law graduate should be able to do in relation to a statute:

1. Locate and make appropriate use of the text of a legislative provision in relation to a legal problem;
2. Be familiar with and be able to make appropriate use of the various aids to statutory interpretation authorised by law;
3. Deploy a range of techniques in the course of solving an interpretative problem;
4. Be familiar with and able to handle adequately problems raising special interpretative issues; and
5. Be able to give a reasoned opinion as to the appropriate meaning of a legislative provision which takes adequate account of the law of statutory interpretation.[30]

In 2015, in response to the LACC Statement, CALD produced a Good Practice Guide to Teaching Statutory Interpretation, which recommended scaffolding students' knowledge from first year through to final year in an iterative process.[31] Some law schools have adopted that approach; others have a core course in statutory interpretation.

The proposed Standard 5:

- includes reference to statutory interpretation;
- requires a description of a law school's teaching methods having regard to the delivery modes for each area of prescribed knowledge and indicating the predominant method and mode; and
- requires total teaching hours for each prescribed area of knowledge to equate to at least 36 hours (ie three hours per week over a standard 12-week semester).

---

[30] Law Admissions Consultative Committee, *Statement on Statutory Interpretation* (February 2010) 1–2.

[31] Jeffery Barnes et al, *Council of Australian Law Deans Good Practice Guide to Teaching Statutory Interpretation* (June 2015) 3.

Reverting to the concerns expressed by the Law Council about the lack of concentration on the Priestley subjects, even with such a revised standard, it remains acceptable under the Standard to teach each of the prescribed areas of knowledge in 36 hours. And many do.

*Table 4: Number of Property and Equity Courses by Law School*

| Law School | P | E | Law School | P | E |
|---|---|---|---|---|---|
| **Adelaide University** | 1 | 1 | Southern Cross University (5 x 6wk terms) | 1 | 1* |
| Australian Catholic University | 2 | 1 | Swinburne University of Technology | 2 | 1 |
| **Australian National University** | 1 | 1 | University of Canberra | 1 | 1 |
| Bond University (trimesters) | 2 | 1 | **University of Melbourne** | 1 | 1 |
| Central Queensland University | 1 | 1 | University of New England (trimesters) | 1 | 1 |
| Charles Darwin University | 1 | 2 | **University of New South Wales** (3 x terms) | 1 | 1 |
| Charles Sturt University | 1 | 1 | University of Newcastle | 1 | 1 |
| Curtin University (trimesters) | 2 | 2 | University of Notre Dame | 2 | 2 |
| Deakin University (trimesters) | 2 | 1 | **University of Queensland** | 2 | 1 |
| Edith Cowan University | 2 | 2 | University of Southern Queensland (trimesters) | 1 | 1 |
| Flinders University | 1 | 1 | **University of Sydney** | 2 | 1 |
| Griffith University (trimesters) | 2 | 1 | University of Tasmania | 1 | 1* |
| James Cook University (trimesters) | 2 | 2 | University of Technology, Sydney | 2 | 1* |
| La Trobe University | 2 | 1 | University of the Sunshine Coast (trimesters) | 2 | 1 |
| Macquarie University | 1 | 1* | **University of Western Australia** | 2 | 1* |
| **Monash University** | 2 | 2 | University of Wollongong | 1 | 1 |
| Murdoch University | 2 | 2 | Victoria University | 1 | 1 |
| Queensland University of Technology | 2 | 1 | Western Sydney University | 1 | 1* |
| RMIT University | 1 | 2 | | | |

* Denotes additional compulsory course in Remedies or equivalent

Without wishing to hearken back to olden days too much, it is nonetheless instructive to look at what those of us who graduated in the early 90s from The University of Queensland were required to study.

*Table 5: Number of Priestley Teaching Units by Date and Law School*

| UQ Olden Days | UQ Today | Another Possibility (G8) |
|---|---|---|
| Criminal Law (20) | Criminal Law (2) | Criminal Law and Procedure (10) |
| Torts (20) | Law of Torts I (2)<br>Law of Torts II (2) | Torts (10) |
| Contracts (20) | Law of Contract I (2)<br>Law of Contract II (2) | Contracts (10) |
| Property A (10)<br>Property B (10) | Foundations of Property (2)<br>Interests in Property (2) | Property (10) |
| Equity (10)<br>Trusts (10) | Trusts and Equity (2) | Equity and Trusts (10) |
| Company Law (20) | Corporate Law (2) | Corporations Law (10) |
| Administrative Law (20) | Principles of Public Law (2)<br>Administrative Law (2) | Australian Public Law (10)<br>Administrative Law (10) |
| Constitutional Law (20) | Constitutional Law (2) | Commonwealth Constitution Law (10) |
| Evidence (10) | Evidence (2) | Evidence (10) |
| Civil Dispute Resolution (10) | Civil Dispute Resolution (2) | Litigation and Dispute Management (10) |
| Ethics (5) | Ethics & Legal Profession (2) | Lawyers, Justice and Ethics (10) |
| **Total: 185** (or 37) | **Total: 30** (or 150) | **Total: 120** (or 24) |

The three-digit numbers are the old credit point value where one semester-long subject was worth 10 cp and a year-long subject 20 cp. The two-digit numbers represent unit value as currently understood at The University of Queensland where a semester-long course is worth two units.

The table shows there has been a diminution in the time spent on teaching Priestley courses at The University of Queensland over time and that at least one other equivalent university devotes even less time to the Priestley courses. Is this necessarily a bad thing? Perhaps not. As I have already said, apart from the addition of Statutory Interpretation, the prescribed areas of knowledge have remained unchanged since 1982 and have long been the subject of academic criticism. In a chapter entitled 'Hacking the Priestleys', published in 2022, Professors Kate Galloway, Melissa Castan, and Alex Steel reported on a project of a 'collective reimagination of the core law curriculum' by a group of legal academics.[32] One table produced by this group was of the 'Incidence of desirable graduate competencies'. I have reproduced it here:[33]

[32] Kate Galloway, Melissa Castan and Alex Steel, 'Hacking the Priestleys' in Helen Gibbon et al (eds), *Critical Legal Education as a Subversive Activity* (Routledge, 2023) 127, 127.

[33] Ibid 136.

*Table 6: Incidence of Desirable Graduate Competencies*

| Graduate Competency | Number of Responses | Graduate Competency | Number of Responses |
|---|---|---|---|
| Legal problem-solving | 4 | Self-management; reflective | 2 |
| Adaptable | 4 | High-level research skills | 2 |
| Effective communication | 3 | Effective collaboration | 1 |
| Ethical | 3 | Disruptive | 1 |
| Democratic citizen; service to community | 2 | Advocacy | 1 |
| Empathy; cultural intelligence | 2 | Global orientation | 1 |
| Critical thinking | 2 | Work-ready | 1 |
| Creativity | 2 | Rule of law | 1 |
| Intellectually capable | 2 | Broad legal knowledge | 1 |

I note the relative value given by the group to 'broad legal knowledge' and the 'rule of law'. The authors explain that when the participants came to nominating curriculum topics in groups, few groups nominated the Priestley 11 as relevant to their curriculum. It was posited that this suggests the Priestley 11 might not be prescribed but could become 'optional' subjects.[34] What otherwise seems to have become lost in this very interesting exercise is the extent to which law schools are to be held responsible for developing the broader skills necessary to practise successfully as compared with the role of the profession in nurturing young lawyers.

As the Taskforce on the Canadian Common Law Degree said in its Final Report in 2009:

> It is not reasonable to expect that law schools will graduate students who are fully capable of providing competent professional services to clients in all matters. Clearly, the profession must continue to play a role in bridging the gap between law school and formal licensing of lawyers. However, through the professional legal education students receive in law school, they should acquire foundational competencies necessary for the practice of law.[35]

Nevertheless, the authors of 'Hacking the Priestleys' also reported on a suggestion by some participants in the project to 'reframe the Priestleys' — for example, by introducing subjects called 'Public and Private Law', 'Transactions', 'Business', and 'Dispute Resolution'.[36] In other words, what was really being proposed by some at least was a reorganisation of 'doctrine' thematically.

---

34 Ibid 142.
35 *Taskforce on the Canadian Common Law Degree* (Final Report, October 2009) 28.
36 Galloway, Castan and Steel (n 32) 142.

Such a reorganisation could be extremely valuable. It would remove the siloing of content and enable students to grapple with legal problems that do not fit neatly into the paradigm of, for example, four weeks of content relating to vitiating factors in contract law. This is, after all, one of the great virtues of mooting.

There is, of course, in theory, nothing to prevent law schools from so doing now should they wish. Melbourne Law School, for example, has gone someway down this track with its course in 'Obligations' in which it explores four categories of private law obligations. In practice, it is a much more difficult exercise, requiring innovative thought, careful sequencing of material, cooperation amongst academics with expertise in different doctrinal areas, and, I venture to suggest, time for students to draw together the strands of different areas of law and differing remedial responses before being assessed. And by 'time', I mean longer than five or six weeks for the first piece of summative assessment followed by another assessment six weeks later. The drive to offer students maximum flexibility in their university studies has, I fear, come at the expense of deep learning. Year-long subjects have almost vanished.

The authors of 'Hacking the Priestleys' acknowledged that '[t]he extent to which expertise can be developed in providing advice to clients, acting ethically or thinking critically is likely to be limited by the degree of granularity with which a law student understands legal doctrine and the accepted rules for its manipulation'.[37] They nevertheless suggested that 'doctrine … should be seen only as knowledge' and that '[b]y letting go of [doctrine as an] organising category of the law curriculum, students can instead learn to independently access and interpret doctrine'.[38] Thus, the 'Priestleys would … move from a prescriptive role in degree accreditation, back to illustration only'.[39] In my view, this is akin to asking primary school children to engage in self-directed learning.

As to **Revised Standard 5** (proposed **Standard 6**), the existing standard requires that teachers in the program either: have a degree one level higher than that of the course in which the person teaches (so at least an LLM for anyone teaching in an LLB program and a PhD for anyone teaching in a JD program); or equivalent experience in practice or teaching; or the person's teaching is guided and overseen by staff who do meet one of the previous two criteria. It also requires that the program of instruction is primarily face-to-face and involves direct interaction between teacher and student.[40]

The staff profiles of each law school vary enormously. Many of the smaller schools have as few as eight full-time staff members, with perhaps only one or two with PhDs. This means that much of the teaching must either be being done

---

37 Ibid 143.
38 Ibid 143–4.
39 Ibid 144.
40 *Accreditation Standards* (n 17) 10–11.

by casual or sessional staff, whose qualifications are not available publicly at least, and/or by academic staff who are not necessarily equipped to do so.

That must mean that, regardless of what accreditation documents indicate is being taught in a prescribed area of knowledge, there is likely to be a vast difference in the educational experience, and resultant depth of understanding, of students at one university who are being taught in nearly every prescribed area by a legal scholar in that subject, as compared with those at another university which is unable to offer teaching by leading scholars for whatever reason.

The revision to the standard requires at least 18 hours of either or both of 'active learning' and 'instruction and learning involving direct interaction between teacher and student, whether in-person or through synchronous online learning'.[41] As Professor Alex Steel from the University of New South Wales has explained, as drafted, a law school could satisfy the standard by merely setting a problem question or allowing questions at the end of a lecture.[42]

Pursuant to the **Revised Standard 6** (proposed **Standard 7**), in addition to

- providing evidence that it requires, and students are made aware, that *all elements of each prescribed area* of knowledge and all instruction in statutory interpretation *are assessable*;
- providing evidence that its methods of assessment confirm that a student has obtained an appropriate understanding and competence in each prescribed area;
- providing evidence that its methods of assessment confirm that a student has achieved all the outcomes specified in the *Statement on Statutory Interpretation*;
- if grade descriptors apply for a prescribed area of knowledge, setting out the descriptor for a pass grade; and
- explaining the process it uses to satisfy itself that grades awarded accurately reflect the level of student attainment;

a law school will be required to provide evidence that at least 50% of assessments for each unit that covers a prescribed area of knowledge or statutory interpretation are conducted by invigilation.[43]

---

41 *Revised Standards* (n 18) 12.

42 Alex Steel, Submission to Law Admissions Consultative Committee, Legal Services Council, *Consultation on Proposed Revisions to the Accreditation Standards for Australian Law Courses* (2025) [1.1].

43 *Revised Standards* (n 18) 13–14.

The revision to the standard appears to mean that 50% of assessment should be 'supervised', 'to ensure the academic integrity of the grade'.[44] As drafted, the standard does not rule out the possibility of students being 'supervised' whilst using computers connected to the internet to complete a particular item of assessment. All will depend on the assessment criteria drafted by the particular law school.

Assessment varies across law schools to a great degree. The only constraint on a law school's assessment practices will be, I venture to suggest, whatever requirements the central bureaucracy has imposed on the school. For example, it has long been thought by central bureaucracies within Australian universities that 100% exams at the end of a semester, let alone at the end of the year, are crimes against humanity and are therefore outlawed. More likely, law schools will be told that there must be multiple forms of assessment with no one piece of assessment being worth more than 50 or 60%.

It seems improbable from my own experience with recent graduates, and from the concerns expressed by the profession as to the deficits in the substantive knowledge of graduates, that there is any meaningful oversight of this standard. It may be an extreme example, but I am personally aware of a recent graduate, with a first-class honours degree from a regional university, who professed to have not heard of the Torrens system, and not been taught mortgages or liens, nor the doctrine of specific performance. In my view, something has gone horribly wrong at that law school.

## V What the Standards Do Not Do

Three very important things seem to be missing from the standards.

### A *No Minimum Degree Admission Requirements*

Neither LACC nor the admission boards set minimum academic standards to commence a law degree, although there are minimum standards for English proficiency, which again vary amongst the law schools. Some law schools require a Legal Admission Test in addition to a sufficiently high ATAR. This is unlike entry into medicine where the vast majority of medical schools in Australia not only require a minimum ATAR (generally above 90 but typically 99 to be competitive) but also a competitive score in the University Clinical Aptitude Test.

Experience and common sense suggest that the teaching of law, particularly to school-leavers, will be vastly different where the cohort has achieved above 95 as compared with teaching a cohort with less developed academic abilities and where it is necessary to cater to a wide range of academic abilities. In my view, it

[44] Ibid 4–5.

is time to consider establishing a base standard for entry to the first year of an undergraduate law degree. In my view, that base standard should be an ATAR of 90.

### B *No Regular Revision of Prescribed Areas of Knowledge*

Assuming, as I do, that academic content is primarily the responsibility of law schools, coupled with the development of the core skills necessary to deploy that content (research, writing, critical thinking, introductory advocacy), it may be useful to look at what it seems the profession might need from its graduates in terms of substantive knowledge.

Although I only have access to New South Wales data, the results of the *2024 Annual Profile of NSW Solicitors* released in April 2025 reveal the most common areas of practice for New South Wales solicitors.[45] In private practice:

1. Conveyancing/real property (29%)
2. Commercial law (29%)
3. Wills and estates (28%)
4. Civil litigation (24%)
5. Litigation — general (20%)

For those in the government legal sector:

1. Administrative law (38%)
2. Criminal law (35%)
3. Civil litigation (17%)
4. Litigation — general (16%)
5. Advocacy (14%)

For those in the corporate legal sector:

1. Commercial (54%)
2. Corporate (49%)
3. Banking/finance (22%)
4. Intellectual property (18%)
5. Industrial/employment (15%)

[45] Urbis, *2024 Annual Profile of NSW Solicitors* (Report, 17 April 2025) 43, cited in *PLT Discussion Paper* (n 1) 25–6.

The *PLT Discussion Paper* considered the number and nature of claims against New South Wales lawyers. LawCover had provided the following information in relation to 2024/5:

- 426 claims;
- Practice areas: property law (37%), family law (18%), elder law, wills and estates (9%), personal injury (9%);
- Top causes: poor communication (37%), not knowing the law adequately (21%), document problems (18%), systems problems (16%).[46]

Queensland had 368 claims, the highest number being in relation to conveyancing (26.1%), succession (20.8%), and commercial law (19%).[47]

We see that the most common area of practice for those in private practice is conveyancing and real property law. Unsurprisingly then, the greatest proportion of claims against solicitors fall within that practice area. While not evidence of any causal relationship, it is at least worth observing that half of all law schools have reduced the teaching of Property Law to one semester. But the prescribed area of knowledge of Property Law does not, in any event, deal specifically with conveyancing. That topic has traditionally been taught in an elective course sometimes called Vendor and Purchaser (it is also a compulsory component of PLT programs). No law school prescribes an equivalent course within the core requirements.

Commercial law features next as the most common area of legal practice within the corporate legal sector and ranks second in the private sector. Five law schools prescribe Commercial Law within the core requirements.

The third largest practice area within the private sector is wills and estates. It also attracted a relatively significant proportion of claims. Two law schools require completion of Succession Law.

Family law produced the second highest number of claims. Three law schools include Family Law in the core requirements.

Within the corporate legal sector, banking and finance law and intellectual property law are significant areas of practice. One law school requires completion of three intellectual property subjects within its degree. Some banking and finance law is often included in a Commercial Law subject, as are some elements of intellectual property law.

Against that background, it is instructive to look at what was required by the Solicitors Board of Queensland prior to the introduction of the uniform admission rules. In addition to what we understand as the prescribed areas of knowledge, the Board required:

---

46 *PLT Discussion Paper* (n 1) 26–7.

47 Queensland Law Society, *Annual Report 2024–25* (Report, 9 September 2025) 31.

- Introduction to Law (which usually covered statutory interpretation)
- Succession Law
- Taxation Law
- Commercial Law
- Securities
- Legal Drafting
- Vendor and Purchaser
- Family Law.[48]

### C *No Moderation or Benchmarking of Assessment*

The example I have given you of a first-class honours student with large gaps in legal knowledge may not have occurred if there was any meaningful attention paid to the standard of assessment across all law schools. The *Accreditation Standards* do not mandate any type of moderation as between law schools, either regionally or nationally. In the United Kingdom, for example, exam papers and marking guides are assessed by a panel of external examiners to ensure consistency in standards across law schools. That would be a good start in this country.

The lack of moderation has the potential to cause great inequity amongst graduates seeking their first role. It is not unreasonable to suppose that not all law schools assess with the same rigour as others. Nevertheless, when employers are faced with 500 applications for five positions, a first cut is likely to be done by GPA rank. If, as has become common in many law firms, candidates are assessed with the name of the law school redacted, candidates who have entered a law school with a significantly lower ATAR, and who may not have been assessed with the same rigour as other law schools, may unfairly rank higher than other candidates who have been subjected to more rigorous assessment.

Candidates for admission are now admitted to practice in GPA rank order regardless of the rank of the law school from which they have graduated. So, students with Hons IIA from a law school ranked eighth in the world will be admitted after a student with Hons I from a law school ranked in the global range of 351–400. This was not always the case.

---

[48] *Solicitors' Admission Rules 1968* (Qld) r 17(1)(a).

## VI What Then, if Anything, Should Change?

I began by saying that diversity is generally considered to be a virtue. We have 40-odd law schools spread around the country comprised of academics with a diverse range of qualifications and academic specialisation and which attract diverse student bodies. If we assume that only 60–70% of students who enrol in law schools intend to practise as lawyers, then there is perhaps an argument for less emphasis on the teaching of doctrinal law in favour of the broader 'skill' set proposed by academics such as Galloway et al. I do not agree with such an argument, but I am fully aware that I fall into that category of persons, impliedly criticised by Professor Nick James, who might make up 'interestingly and frustratingly [the club] … [who] are often … members of the judiciary, and … have quite a conservative mindset'.[49]

Accepting therefore that I may well be on the losing side of the argument, I offer a suggestion from a less than conservative mindset.

I propose that we leave law schools and legal academics to decide for themselves how they teach legal doctrine, if at all. It is near impossible to obtain consensus amongst law schools as to the doctrinal content that should be taught, the manner and mode of teaching, let alone the most appropriate and authentic forms of assessment.

Admitting authorities should then work with the profession, through the Law Council of Australia, to craft an external, national examination that a graduate from any law school is required to pass before being admitted to practice. Such an examination should be designed to test knowledge of core legal principles that should be known by every lawyer, regardless of whether they are generalists or specialists. It could include what is currently within the prescribed areas of knowledge and also areas of knowledge often confronted in practice but which are not considered core areas of knowledge — for example, the principles of agency, or the basic principles of succession law. Students would, of course, be told which broad areas of knowledge were examinable. It would be the type of examination susceptible to multiple-choice and/or short-answer questions and would therefore be relatively cheap and efficient to set and mark. No doubt AI will be able to assist with a never-ending rotation of questions such as these:

---

[49] Grace Ormsby, 'Priestley 11 "Not Keeping Up" with Reality', *Lawyers Weekly* (online, 27 May 2019) <https://www.lawyersweekly.com.au/biglaw/25707-priestley-11-not-keeping-up-with-reality>.

Which (one or more) of the following are always required for an enforceable contract?

(a) An offer

(b) Acceptance

(c) Intention to create legal relations

(d) Consideration

(e) Writing

The *Personal Property Securities Act 2009* (Cth) applies to security interests created by which (one or more) of the following?

(a) Agreement

(b) Transfer

(c) Possession

(d) Operation of law

Which statement best describes *ostensible authority*?

(a) It arises from the express or implied consent of a principal given to a person to act on the principal's behalf and a third party has acted to his or her detriment in reliance on the conduct of the agent.

(b) It arises from a representation by a principal to a third party that another person has authority to act for the principal and the third party has acted to his or her detriment in reliance on that representation.

Which statement best describes an *intestate*?

(a) A person who dies with a valid will but has no living beneficiaries.

(b) A person who dies without a valid will.

(c) A person who dies without a valid will or leaves a will that does not dispose effectively by will of all or part of his or her property.

Were such an examination to be required pre-admission, law schools would have the opportunity to differentiate amongst themselves. Some might avowedly promote their schools as equipping students for top-tier law firms and/or the bar; some might avowedly promote their schools as teaching legal knowledge and thinking to those who never intend to practise but see themselves in a range of law-adjacent careers. Some might set a curriculum that sets their students up for rural or regional practice or for sole practice in the suburbs. Students who wished to pursue a career in law as a legal practitioner could select which law school might best prepare them for such a career. From whichever law school a student graduated, and regardless of which class of honours was achieved at that particular law school, every student would then be faced with the same opportunity to prove they have acquired the base standard of knowledge expected by the profession of commencing lawyers. Seniority at admission would be based on rank order in the examination.

Such a proposal is not intended to make a law degree redundant. As I have endeavoured to convey, practising law does not depend merely on the ability to know the law. It depends also on the ability to exercise human judgment in the context of legal problems arising from human interaction. The skills and attributes necessary to develop such an ability can only be acquired through

human engagement and experience, beginning with face-to-face interaction with one's peers, teachers, and mentors at law school.

A national, external examination acceptable to the profession will ensure consistency of standards of education for those entering the profession, level the playing field for all graduates who seek to enter the profession and ensure that legal education can be regularly adapted to meet the needs of the profession and the expectations of the Australian public.