

26 June 2025

The Hon Justice Francois Kunc
Chair, Admissions Committee
Legal Services Council
PO Box H326
AUSTRALIA SQUARE NSW 1215

By email: submissions@legalservicescouncil.org.au

Dear Justice Kunc

Proposed revisions to the Accreditation Standards for Australian Law Courses

1. The Law Council appreciates the opportunity to provide a submission responding to proposed revisions to the Accreditation Standards for Australian Law Courses (**Standards**) (**attached**). As the peak body for the Australian legal profession, the Law Council has strong interest in ensuring the highest standards of legal education are maintained to ensure that entry level legal practitioners are able to serve the public and the courts in a manner commensurate with experience.
2. This submission is informed by contributions from the Law Council's Young Lawyers Committee and the Futures Committee. We also acknowledge the ongoing assistance of the Law Council's Constituent Bodies in developing the Law Council's positions regarding legal education which have informed this submission.
3. We note that the intention of the revised Standards is to strike a balance between responding to systemic changes in the higher education sector over the last decade (in particular in the wake of the COVID-19 pandemic) and ensuring that entry level graduates meet the competence thresholds of skill and knowledge expected by the profession.
4. Broadly, the revisions to the Standards aim to:
 - recognise and enable different modes of course delivery, including fully in-person, fully online and blended models of course delivery;
 - expand the definition of 'teaching methods' and clarify the prescribed number of hours for teaching Priestley 11 subjects;
 - emphasise the significance of active learning and student engagement as a core requirement, with a minimum requirement of 18 hours of direct student engagement in a subject;
 - introduce a requirement for a minimum of 50 per cent of assessment to be invigilated;

- restrict the uses of block/intensive delivery models in the teaching of Priestley 11 subjects; and
- introduce other revisions in response to feedback.

Overarching Law Council position

5. The Law Council generally supports the proposed revisions, subject to the below comments about law courses which are delivered entirely online. The revisions are a timely and appropriate update that reflect the realities of contemporary legal education. We recognise the importance of the university sector being able to evolve with technology and provide digital access to higher education. But we also recognise that that mode of delivery has substantial limitations. Given the broader contextual issues, we endorse 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.
6. We note and agree with the Law Institute of Victoria's submission that law is a fundamentally human activity that involves nuanced interpersonal skills, ethical awareness, and higher order thinking skills, and agree that it is highly desirable that legal education maximise engagement and human interaction.
7. 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'. A 2021 study by the Queensland Law Society and the Centre for Professional Legal Education at Bond University (the **QLS Report**) found that 80 per cent of respondents did not consider that entry level law graduates had the skills needed for practice, and only 51 per cent considered students had foundational levels of substantive law.¹ These concerns have since been reiterated at the national level by the profession in its feedback to the Law Council. This raises important questions about what students are being taught, how they are being taught and assessed, the level of student engagement, and the certification of students on graduation as meeting threshold competencies.

Comments on the proposed revisions

Definitions and interpretation

8. The proposed new definitions at revised clause 2.1 appear to be appropriate, particularly clarifying the difference between 'in person' (previously 'face to face') and 'online attendance' by providing definitions for 'in person', 'online', and 'synchronous online learning', which will promote national consistency and reduce confusion.
9. The Law Council's Futures Committee supports the inclusion of gamification² as a recognised and endorsed approach to teaching, learning and assessment in law programs and has recommended that definitions of 'synchronous online learning' and 'teaching method' could be framed in a way that accommodates changes in teaching methodology (see further discussion at **Appendix A**).

¹ Francina Cantatore, Tanya Atwill and Rachael Field, [The Job Readiness of Law Graduates and Entry Level Solicitors in Private Practice](#) (Final Report, Queensland Law Society, December 2022).

² Gamification is the application of game-design elements and principles—such as narrative scenarios and time-bound challenges—to non-game contexts. In legal education, this might take the form of interactive case simulations, mooted tournaments or scenario-based spoken interviews and interactions.

Online delivery of law courses

10. Clause 4.1 of the Standards authorises a law course, or one or more units within it, to be delivered fully or partially online. This has the effect of permitting a law course to be delivered entirely in person, online or in a composite.
11. The proposed revisions respond to the growth of digital media and delivery of courses through online delivery. The Consultation Paper also recognises the potential for online delivery to promote equity in access to education and enhance the diversity of representation across the legal profession.³
12. While we understand and support the rationale as outlined in Consultation Paper, there are significant concerns within the legal profession about the effectiveness of wholly online modes of delivery in facilitating engagement, interaction and interpersonal skills in that environment. It should not be possible for a student to undertake a law degree which is wholly online and then enter legal practice. Feedback from the legal profession highlights a real concern for the professional development of communication, writing and interpersonal skills in an environment that is substantially or completely online. The evidence is that effective engagement in this context can be highly variable, and generally poor.⁴
13. Careful ongoing scrutiny is required to ensure that the knowledge and skills required for well-rounded lawyering are being developed and assessed as part of substantially or completely online courses. In light of recent developments—for example the emergence of generative AI—these well-rounded skills may be more important than ever for law course graduates and new lawyers.
14. Separately, the Law Council is also aware of some law schools operating in more than one jurisdiction. That trend will likely expand by the delivery of courses online. That dynamic raises important questions about accreditation and jurisdictionally-specific content. Where courses are being deployed in multiple jurisdictions, accreditation attention should avert to the management and content of those courses.

Teaching hours, active learning and student engagement

15. The proposed 18-hour minimum for ‘active learning’ or direct interaction per Priestley 11 subject is welcome and supported. We note this is supplemented by related definitions in Clause 2.1, which we also support.
16. Clause 4.6 refers to student access to sufficient legal information resources linked to each element of every prescribed area of knowledge. We note that university libraries and law collections are highly variable in scope and availability, particularly where students are engaged in online courses. Access to a library of sufficient professional

³ Admissions Committee of the Legal Services Council and the Law Admissions Consultative Committee, [Consultation paper on proposed revisions to the Accreditation Standards for Australian Law Courses](#) (March 2025) 5.

⁴ There is a vast literature on online learning, some of which is positive, some negative, but a unifying theme is that this mode of delivery requires a different and active process to be close to the level of engagement in face-to-face teaching. It is a contested argument among educators. See, eg, Pano Photopoulos et al ‘Remote and In-Person Learning: Utility Versus Social Experience.’ (2023) 4 *SN Computing Science* 116; Claire Wladis, Alyse Hachey and Katherine Conway, ‘Time Poverty: A Hidden Factor Connecting Online Enrolment and College Outcomes?’ (2023) 94 (5) *The Journal of Higher Education* 609; Karen Thornton, Steven Schooner & Markus Spiedel, ‘Graduate Level Distance Learning’ 71(4) *Journal of Legal Education* 596; William Blatt, ‘The Power of Presence in Socratic Teaching’ (2021) 70(2/3) *Journal of Legal Education* 284; Allan Ardill, ‘Student Attendance and Academic Performance’ (2024) 34(1) *Legal Education Review* 159; Sarah Moulds and Narelle Perry, ‘Belonging in the Classroom: Preliminary Reflections from a South Australian Case Study’ (2024) 34(2) *Legal Education Review* 77.

quality, and the skill needed to access and navigate it, should be an integral part of legal education, with an associated review of the currency and breadth of the collection available to the student forming part of any accreditation. Guidance on the minimum expectations on library resources would clarify the requirements.

Invigilated assessments

17. We support the new requirement for at least 50 per cent of assessments for each unit to be invigilated. There are significant concerns related to academic integrity in the online environment, including through plagiarism, ghost-writing, unauthorised online collaboration, and the use of artificial intelligence to write academic papers. We acknowledge that concerns also exist in traditional delivery modes. Ensuring a requirement for at least 50 per cent of assessment invigilation will contribute to academic integrity and fairness across all delivery modes and is critical when considering the existing tools that students are currently able to access online.
18. We recommend that reports on academic misconduct practices and outcomes form part of a regular review of accreditation.
19. Clause 2.1 contains a proposed definition of invigilation that includes in-person, online, technological or hybrid means. We consider that online invigilation is not desirable. The Tertiary Education Quality and Standards Authority (TEQSA) has published guidance on the uses of online invigilation that advises that online invigilation should be an option of last resort.⁵ We support that advice. It is desirable in the invigilation of Priestley 11 subjects that examinations are supervised in person.

Intensive and block learning models

20. The Law Council welcomes the parameters that have been placed on offering Priestley 11 subjects in an intensive or block format. As a matter of policy, we are of the view that the Priestley subjects require a degree of depth that only be acquired over time. The intensification of legal education, or any course for that matter, risks the student not having sufficient time to absorb and actively retain the material. This intensifies the preparation burden on the student and usually means the student simply does not have enough time to read the materials relevant to the subject. Alternatively, the student ends up reading excerpts from cases and summaries of secondary materials, usually embedded in a digital archive. Accordingly, consideration should be given to capping the number of Priestley 11 subjects that a student can do concurrently in intensive mode.
21. In addition, offering subjects in this way also penalises students who are unable to take time off from their employment or other personal commitments during the semester breaks when these sessions are scheduled. Intensive sessions are more appropriate, in our view, for electives only, rather than Priestley 11 subjects.
22. There has been a recent development in the timetabling of subjects in some universities, which enable a compressed education model, including six-week semesters and the teaching of courses in trimesters which effectively cuts down the time it takes to complete legal education. These developments operate differently to the intensive and block learning models but are related to it. These models should be carefully reviewed.

⁵ Tertiary Education Quality and Standards Authority, [Strategies for using online invigilated exams](#) (2022).

Minor revisions

23. We support an explicit reference to statutory interpretation in the prescribed areas of knowledge.

Consultation Questions

Do you support the drafting of the proposed revisions set out in the Draft Revised Standards?

24. Yes, with some caveats and suggestions discussed above.

Do you agree with the proposed transitional period for the Revised Standards?

25. Yes. A staggered 2-year implementation period appears to be appropriate to facilitate the transition, given that the revised standard is likely to create significant additional work for universities in reviewing and adapting their curriculum and assessment methods.

Do you have any other comments?

Further suggestions

26. To promote engagement from students and tertiary teaching staff, the Standards should consider imposing a maximum number of hours of unrevised prerecorded lectures in a subject. This would address the practice of recycling prerecorded lecture content.
27. We suggest that there should be a minimum requirement for practical assessments, for example oral assessments, within the Priestley 11 framework, as this impacts the real-world experience and skills that employers are increasingly seeking from graduates.

Compliance and review

28. We query how non-compliance with the Standards will be enforced. The Standards should include a clear pathway for students to report non-compliance and outline how admitting authorities will enforce these requirements.
29. We consider that a nationally consistent approach and regular review of programmes offered by universities by the accrediting authorities needs to be undertaken. That should include a review of any changes that have been made since accreditation was given, as well as independent review of a sample of assessment items and examination results as part of the review.

Use of AI in assessment

30. We note the Consultation Paper's note on Generative AI and the interplay with TEQSA encouraging universities to enable students to 'participate ethically and actively in a society where AI is ubiquitous'.⁶ We have substantial concerns about the risks flowing from uses of AI in legal education, not the least is the tendency of AI models to distort statements of the law, fabricate citations, and present that information in a manner that an early learner of legal research and materials may be poorly equipped to analyse. The

⁶ Admissions Committee of the Legal Services Council and the Law Admissions Consultative Committee, [Consultation paper on proposed revisions to the Accreditation Standards for Australian Law Courses](#) (March 2025) 9. See also Tertiary Education Quality and Standards Authority, [Assessment reform for the age of artificial intelligence](#) (November 2023).

ability of a professional to identify and correct distortions depends on the existence of threshold levels of knowledge that early learners do not possess.

31. While recognising the importance of the next generation of lawyers to develop skills and an ethical consciousness in the use of Generative AI, the input from our Constituent Bodies overwhelmingly emphasises the importance of integrity of assessment and a strengthening of threshold levels of knowledge in graduates. In our view, generative AI should not be permitted for use by students in Priestley 11 assessment tasks. We are of the view that a specific statement on the uses of AI in legal education be made, consistent with judicial statements on the uses of AI in litigation⁷ and aligned with the emerging common law.⁸

Professional duties

32. We are aware that most universities exercise policies of result moderation and a variety of policies linked to marking of assessment and formal review of marks. The QLS Report identified a reluctance on the part of law schools to deal with academic/unethical misconduct, and a concerning standard of tertiary writing skills.⁹
33. The Law Council notes the following duties under the Australian Solicitors' Conduct Rules:
- Rule 4.1.4—a solicitor must 'avoid any compromise to their integrity and professional independence'; and
 - Rule 5.1.3—a solicitor must not engage in conduct, 'in the course of legal practice or otherwise', that is likely to a material degree to 'be prejudicial to, or diminish the public confidence in, the administration of justice', or 'bring the profession into disrepute'.
34. These rules raise an important question about the professional duties owed by academics who are also admitted legal practitioners in cases where the results of assessments have been changed from a fail to passing grade, or where doubts are raised about English language competency.
35. We recommend that questions related to the professional and ethical duties of admitted legal academics linked to student misconduct, changing grades and failure to effectively police tertiary standards of written English be considered by the Legal Services Council and Law Admissions Consultative Committee, and that guidance be provided.

Broader consultations

36. We note that other relevant and significant consultations are occurring, including about practical legal training. Given the significant overlap in key considerations—for example the practice-readiness of graduates—it is critical that these processes do not occur in a vacuum, and that there is collaborative engagement across the consultations.

⁷ Eg: NSW Supreme Court Practice Note SC Gen 23: https://supremecourt.nsw.gov.au/documents/Practice-and-Procedure/Practice-Notes/general/current/PN_SC_Gen_23.pdf

⁸ For a recent comparative review see *Ayinde v London Borough of Haringey; Al-Haroun v Qatar National Bank* [2025] EWHC 1383 (Admin).

⁹ Queensland Law Society, *The Job Readiness of Law Graduates and Entry Level Solicitors in Private Practice: Final Report* (December 2022) 28-29.

Contact

37. Thank you for the opportunity to comment. If you would like to discuss this submission, please contact John Farrell, Executive Policy Lawyer, on [REDACTED] or at [REDACTED].

Yours sincerely



James Popple
Chief Executive Officer

APPENDIX A – GAMIFICATION

The following comments are provided by the Law Council's Futures Committee.

Do you have any other comments in relation to this work that you would like to provide to the Committees?

The Futures Committee advocates for the inclusion of gamification as a recognised and endorsed approach to teaching, learning and assessment in law programs, whether or not artificial intelligence underpins the delivery system.

What is gamification in teaching, learning and assessment?

Gamification is the application of game-design elements and principles—such as narrative scenarios and time-bound challenges—to non-game contexts. In legal education, this might take the form of:

- interactive case simulations;
- mooting tournaments; and
- scenario-based spoken interviews and interactions.

While many of the concepts of these approaches to legal education, the advances in AI and automation could arguably bring them into a new category not previously anticipated.

Advantages of gamification in legal education

- Enhanced engagement and motivation: Game mechanics tap into intrinsic motivators (e.g. achievement, competition, collaboration) to maintain student focus and drive sustained participation.
- Immediate, formative feedback: Points and progress bars allow learners to visualise their performance and identify areas for review in real time.
- Safe, scaffolded risk-taking: Simulated 'sandbox' environments encourage students to experiment with legal decision-making without real-world consequences.
- Development of transferable skills: Time management, strategic thinking, teamwork and reflective practice are naturally woven into well-designed gamified experiences.
- Inclusivity and accessibility: Customisable difficulty levels and diverse reward structures can cater to a broad range of learning styles and backgrounds.

Suggested updates to key definitions

To ensure gamification is not inadvertently excluded, the Futures Committee suggests the following amendments:

Synchronous online learning

Direct interaction between a student, teacher and/or other students in a virtual or online environment. Examples include attending live-stream lectures (but not listening to a pre-recorded lecture), videoconference calls, interactive online chatroom discussions, and real-

time gamified activities such as live-scenario simulations, digital moot competitions or collaborative problem-solving games.

Teaching method

The way in which the law school communicates and teaches the content of the law course to students, which may depend on the delivery mode. Examples include lectures, workshops, seminars, tutorials, flipped classrooms, group discussions, group work, problem solving, moots, role-play, programmed sessions, simulations, and gamified modules or activities employing narrative mechanics to support learning (but not student preparation or self-directed study).

By explicitly naming ‘gamified modules or activities,’ we ensure that law schools can innovate with game-inspired pedagogy—whether or not AI tools are integrated—and that such approaches are well-recognised within the accreditation framework.

Additional Definition: Gamified Learning

A pedagogical approach that integrates game-design elements—such as narrative scenarios and time-bound challenges—into the teaching, learning and assessment process. Gamified learning environments may be fully or partially automated and dynamically directed by artificial intelligence, enabling real-time adaptation of difficulty, personalised feedback, progression pathways and achievement rewards tailored to each student’s performance and learning needs.