

PROFESSIONAL PLACEMENT GUIDELINES

WESTERN AUSTRALIA

1. PURPOSE OF GUIDELINES

These *Professional Placement Guidelines* set out the respective roles, rights and responsibilities of all parties involved in the Professional Placement (the “**Placement**”) component of the Leo Cussen Practical Legal Training course (“**PLT**”) in Western Australia.

Those parties are:

- a) the Graduate;
- b) the Placement Supervisor; and
- c) Leo Cussen Centre for Law (“**Leo Cussen**”).

2. OVERVIEW OF PROFESSIONAL PLACEMENT

All Leo Cussen Graduates are required to carry out a period of supervised work experience as a component of the PLT. Placements carried out as part of the WA Leo Cussen PLT are generally 20 days (140 hours) in length, but may vary in duration depending on each Graduate’s individual circumstances. Graduates must successfully complete the Placement in order to complete the PLT and to be eligible to apply for admission to the legal profession.

The purpose of the Placement is to provide the Graduate with an opportunity to:

- a) apply, test and reflect on what has been learned during the PLT in a practical, ‘real-world’ environment;
- b) receive experienced supervision by a qualified member of the legal profession in the execution of legal or law-related work;
- c) interact with various stakeholders including lawyers, government officers, clients and other staff;
- d) develop an understanding of the nature of legal practice, and the Graduate’s aptitude for engaging in it;
- e) acquire a basic understanding of what a legal practitioner does in the course of legal practice; and
- f) critically reflect upon their experience during the Placement, and consider how that experience will influence the Graduate’s future actions.

3. THE PLACEMENT SUPERVISOR: Roles, Rights & Responsibilities

PRIOR TO PLACEMENT COMMENCEMENT

- a) Supervisors must provide the Graduate with a short introduction on their first day. This includes information about the office systems and work hours.
- b) Supervisors must ensure that the Graduate will carry out at least **two** days (or four half-days) of work experience per week during the Placement period.
- c) Supervisors must discuss mutual expectations for the Placement with the Graduate from the outset of the Placement. This includes expectations regarding allocation of tasks and provision of regular feedback.
- d) Supervisors must be aware of, and comply with:
 - a. all laws and legislation relating to vocational placements and employment, including but not limited to the *Fair Work Act 2009*; and

- b. the legal requirements in relation to prolonged periods of unpaid work which, under certain circumstances, may be characterised as payable employment.

For further information on your obligations (including relevant Award provisions), please visit the Fair Work Ombudsman website or contact the Law Society of Western Australia.

REMUNERATION

- a) Supervisors may, but are **not** required to, remunerate Graduates for the duration of the Placement, in accordance with the 'Vocational Placement Exception' in the *Fair Work Act 2009*.

SUPERVISION REQUIREMENTS

- a) Supervisors must ensure Graduates are supervised by a person who:
- a. has at least **three** years of post-admission experience practising law; and
 - b. is admitted to the legal profession; and
 - c. holds a current practising certificate; and
 - d. is currently practising law; and
 - e. is currently of good standing in the legal profession.
- b) Alternatively, a Supervisor may be a judge or magistrate of an Australian court, or member of an Australian tribunal.
- c) Upon request from Leo Cussen, Supervisors may be required to provide evidence of their qualifications, admission to practice, or practising certificate.
- d) Graduates must be provided with ongoing guidance and constructive feedback on their work.
- e) Supervisors may share supervision in conjunction with other staff who qualify as Placement Supervisors under these *Professional Placement Guidelines*.
- f) Supervisors are **not** permitted to supervise more than **two** PLT students at any one time. This is to ensure Graduates receive a high quality of training and supervision.

SUITABLE TASKS AND ACTIVITIES

- a) Supervisors must ensure Graduates receive appropriate legal or law-related work that allows the Graduate to apply, test and reflect on skills being learned during the PLT course. Appropriate legal or law-related work must include most or all of the following:
- significant interaction with external or in-house clients;
 - drafting documents;
 - legal research;
 - using a file management system.

Please refer to the [Placement Task Checklist](#) for more guidance and examples of suitable tasks. The checklist is a useful guide to help identify placement activities, but its use is not compulsory.

Some other examples of suitable activities include, but are not limited to:

- attending interviews with clients and conducting interviews in minor matters
- reviewing documents, including contracts, court documents, agreements, wills etc.
- observation of, or involvement in, office procedures
- liaising with internal and/or external clients or stakeholders
- arranging, preparing for and attending settlements
- attending conferences, mediations, court hearings, or other dispute resolution forums
- drafting documents of a straightforward nature (e.g. Transfers, Probate Applications, simple Wills, Affidavits of Documents, etc)
- drafting letters and other correspondence
- conducting legal research and drafting memoranda of advice
- discussing issues with Placement Supervisor, e.g. after reading a file

b) Supervisors must:

- avoid or limit the allocation of administrative and/or non-legal tasks to the Graduate;
- ensure that, wherever possible, Graduates are allocated a variety of experiences and activities;
- provide, wherever possible, a constant flow of work to the Graduate; and
- provide Graduates with ongoing guidance and constructive feedback on their work.

Please refer to the [Placement Task Checklist](#) for more guidance and examples of suitable tasks.

AT CONCLUSION OF PLACEMENT

Supervisors are asked to:

- conduct an 'exit interview' with the Graduate at the conclusion of the Placement to reflect on the experience and discuss overall feedback.
- complete a *Supervisor Feedback Form* and submit it to Leo Cussen by no later than the next business day after Placement completion.
- be aware that any arrangement to retain the Graduate beyond the Placement completion date will be a separate arrangement between the Placement organisation and the Graduate, and Leo Cussen would not be a party to any such arrangement. Your organisation would also be responsible for complying with any relevant employment laws/salary awards. If the completed placement was unpaid, you may now find it useful to refer to [Fair Work](#) and the [Legal Practice Board of WA](#) for guidance on appropriate remuneration (including the Legal Services Award) and the cost of employee practising certificates, respectively; and
- be aware that they must provide their own insurance for any subsequent arrangements made with the Graduate following completion of the Placement. Leo Cussen provides insurance for the duration of the Placement period only.

SUPPORT AND ASSISTANCE

- Placement Supervisors may seek support and assistance from Leo Cussen in relation to the Placement for matters including:
 - further guidance on the Placement Supervisor's rights and responsibilities;
 - further guidance on acceptable and recommended activities to allocate to the Graduate (please also refer to the [Placement Task Checklist](#));
 - any concerns with the Graduate, including options for dealing with unacceptable or inappropriate behaviour.

Such support can be sought by contacting the Placements team at Leo Cussen on (03) 8667 5690 or placement@leocussen.edu.au.

4. THE GRADUATE: Roles, Rights & Responsibilities

PRIOR TO PLACEMENT COMMENCEMENT

- a) Graduates must read and comply with all Placement rules.
- b) Before the course census date, Graduates must notify Leo Cussen whether they wish to organise their own Placement, or have their Placement organised by Leo Cussen.
- c) Graduates who elect to organise their own placement must seek approval from Leo Cussen by submitting a [Placement Arrangement Form](#) prior to commencing the Placement.
- d) Graduates who elect to have their Placement organised by Leo Cussen must agree to the [terms and conditions](#) of that service.
- e) Graduates must contact the Placement Supervisor (or other designated contact person) prior to Placement commencement in order to confirm arrangements for the first day.

CONDUCT DURING PLACEMENT

- a) Graduates are expected to demonstrate appropriate professional behaviour during Placement, including:
 - maintaining the confidentiality of the organisation and its clients/other stakeholders
 - being punctual
 - following instructions and diligently carrying out assigned tasks
 - dressing professionally and behaving with courtesy and respect
 - refraining from texting/taking private calls
 - complying with the reasonable office hours of the Placement organisation, even if this results in the completion of additional hours
- b) Graduates are also expected to take a level of responsibility for their own Placement, and to proactively seek out tasks and feedback from staff.
- c) Where appropriate, Graduates should make all reasonable efforts to resolve any concerns while on Placement directly with the Placement Supervisor.
- d) In the first instance, Graduates should refer to the [Placement Troubleshooting](#) document for guidance on resolving common issues. If Graduates continue to experience difficulties, or the matter is of a serious nature, they should contact Leo Cussen for guidance on (03) 8667 5690 or placement@leocussen.edu.au.

PLACEMENT DURATION AND ATTENDANCE

- a) Graduates must ensure they complete a minimum of **140 hours (20 days)** of work experience.
- b) **Placement Credit:** A maximum of **five days** of eligible work experience carried out prior to the commencement of the PLT course may be counted as **partial** credit towards Placement requirements.
- c) **Minimum Term of Concurrent Placement:** It is **not** possible to receive credit for the entire Placement, and all Graduates must carry out at least **three weeks (15 days)** of their Placement requirements **concurrently** with the PLT, regardless of credit.
- d) For at least **three weeks** of the Placement, Graduates must ensure that they carry out no less than **two days** (or four half-days) of work experience per week during the Placement period. For any **additional weeks** of

Placement, Graduates must carry out no less than **one full day** (or **2 x four-hour** sessions) of work experience per week.

- e) Graduates who elect to organise their own Placement must not commence their Placement prior to the commencement of their PLT course, and must ensure they receive prior approval from Leo Cussen.
- f) Graduates who elect to have their Placement organised by Leo Cussen must carry out their Placement after the conclusion of their PLT course and must choose one of the periods offered by Leo Cussen. Graduates cannot choose a placement period that falls prior to, or during, their PLT course.
- g) All Graduates must complete Placement no later than **six months** from the end of their PLT course.
- h) If extenuating circumstances prevent completion of the Placement by the deadline, Graduates must submit a [Placement Extension Request Form](#), approval of which is at the discretion of Leo Cussen. Please note that extensions are not indefinite, and the national regulators place restrictions on the maximum length.
- i) All Graduates must comply with the reasonable office hours of the Placement organisation, even if this results in the completion of additional hours.
- j) Graduates must keep a record of Placement hours and activities undertaken and produce that record to Leo Cussen upon request. Graduates may choose to use the optional [Placement Diary template](#) to record hours and activities (use of this template is not mandatory).
- k) Graduates must promptly inform their Placement Supervisor if they are unable to attend a scheduled Placement day due to illness or other extenuating circumstances. Graduates must also make alternative arrangements with their Placement Supervisor to complete the lost hours. In addition, Graduates who elected to have their Placement organised by Leo Cussen are required to immediately contact the Placements team at Leo Cussen (placement@leocussen.edu.au) to discuss arrangements to make up for the lost hours.
- l) If requested by Leo Cussen, Graduates must produce a Certificate of Sickness for any Placement days missed due to illness.

AT CONCLUSION OF PLACEMENT

Graduates are asked to ensure that:

- a) they carry out an 'exit interview' with the Placement Supervisor at the conclusion of the Placement to reflect on the experience and discuss overall feedback.
- b) Leo Cussen receives both a completed *Graduate Feedback Form* and completed *Supervisor Feedback Form* (which Leo Cussen sends directly to each party) by no later than the next business day after Placement completion. It is ultimately the Graduate's responsibility to ensure these forms are submitted to Leo Cussen.

SUPPORT AND ASSISTANCE

- a) Graduates may seek further support and assistance from Leo Cussen in relation to the Placement for matters including:
 - further guidance on the Graduate's rights and responsibilities
 - any concerns with the Placement Supervisor or other staff, including options for dealing with unacceptable or inappropriate behaviour
 - insufficient or inappropriate allocation of tasks/activities
 - ethical dilemmas
 - concerns regarding feedback from the Placement Supervisor
 - advice on sourcing a Placement.

If Graduates are experiencing difficulties during placement, they should first refer to the [Placement Troubleshooting](#) document for guidance on resolving common issues. If Graduates continue to experience difficulties, or the matter is of a serious nature, they should contact Leo Cussen for guidance. Contact details are below.

5. LEO CUSSEN CENTRE FOR LAW: Roles, Rights & Responsibilities

PLACEMENT LOGISTICS, SUPPORT & ASSISTANCE

Leo Cussen will:

- Find Placements for all Graduates who elect to have their Placement sourced by Leo Cussen, subject to the [terms and conditions](#) of that service. Leo Cussen will also provide advice and guidance to Graduates who elect to source their own Placement.
- provide appropriate Placement support and assistance to the Graduate and Placement Supervisor. Such support can be sought by contacting the Placements team at Leo Cussen on (03) 8667 5690 or placement@leocussen.edu.au.
- provide insurance for Graduates undertaking Placements as part of the PLT for the duration of the Placement.

Leo Cussen reserves the right to:

- decline to approve a Placement sourced by the Graduate where Leo Cussen deems that it does not comply with Placement rules and guidelines.
- end a Placement early where Leo Cussen deems it necessary, and to require the Graduate to complete the balance of hours through alternative arrangements.

6. FURTHER INFORMATION & SUPPORT

For support from Leo Cussen:

Elaine Mostajo or Frank Walsh

(03) 8667 5690
placement@leocussen.edu.au

For further information regarding work/internship rights:

Fair Work Ombudsman

13 13 94
<https://www.fairwork.gov.au/>

Local Employment Law Community Legal Centres

<https://www.fwc.gov.au/resources/where-get-legal-help>