

# Specialist Accreditation Scheme



## **2024 Planning and Environment Law** Assessment Requirements



THE LAW SOCIETY  
OF NEW SOUTH WALES



These notes should be read in conjunction with the **2024 Guide to Application and Assessment**. They will assist practitioners interested in becoming accredited in Planning and Environment Law to understand and prepare for the assessment process.

Included are:

- The performance standard which is the benchmark for competent practice in this area;
- The performance criteria which form the basis for the assessment;
- A list of the core skills and areas of knowledge; and
- The methods and dates of assessment which applicants are required to undertake.

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## Timetable

The shaded area below shows the core assessment period including the dates associated with each assessment.

Candidates need to focus on this core assessment timeframe, planning their workload well in advance, accordingly.

Based on feedback reports from previous years, candidates are encouraged to dedicate and manage their time during this period to optimise their performance across all assessment tasks. Candidates are reminded that participating in the Specialist Accreditation program requires a considerable level of commitment if candidates are to achieve their desired outcome.

Activity	Date
Question & Answer sessions for potential candidates	Mid-Feb 2024
Applications for Specialist Accreditation close	Early Bird: Thursday, 29 February 2024 Standard: Sunday, 31 March 2024
Candidature confirmed	Friday, 26 April 2024
Take Home Assignment & Mock File	Released: Thursday, 16 May 2024 Due: Thursday, 6 June 2024
Peer Interview	Sunday, 28 July 2024
Results released to candidates	Mid-October 2024
Reassessment and/or Appeal applications close	14 days from notification of results
Reassessment results released	December 2024
Appeal results released	December 2024

## A. Performance standard

### Standard of Accredited Specialist

The Standard of an Accredited Specialist in Planning and Environment Law is that of a **'specially competent practitioner'** in the core skills and practical capabilities in the selected area of practice, as assessed against the spectrum of capability of all practitioners in that area of practice. This standard is to be distinguished from the idea that the Scheme requires the highest technical legal knowledge across all aspects of the selected area of practice.

## B. Core skills and knowledge areas

Solicitors wishing to be accredited in Planning and Environment Law should be able to:

- Display knowledge of the current law and procedure which underpins the performance of tasks in this area of practice.
- Demonstrate the core skills listed to the level of a specially competent solicitor.
- In all tasks, and at all times, the accredited solicitor:
  - Acts in a timely and competent manner;
  - Keeps the client fully informed, using plain language; and
  - Demonstrates professional and ethical responsibility.

### B.1 Core skills

#### 1. The solicitor gathers information by:

##### 1.1 Taking initial instructions

The solicitor:

- 1.1.1 Establishes the legal status and capacity of the client, the client's intentions and expectations and the issues to be addressed.
- 1.1.2 Assists the client in addressing the issues by identifying appropriate outcomes and the best means of achieving them.
- 1.1.3 Elicits information from the client and ascertains the client's objectives by:
  - Observing the client, asking effective questions, listening carefully and confirming mutual understanding; and
  - Guiding the process by knowledge of the current law and procedures and by giving appropriate advice.
- 1.1.4 Discusses with the client the question of issues, risks, costs and fees;
- 1.1.5
- 1.1.6 Identifies and advises on the party who is to be responsible for costs and fees.

**Note:**

The client may be:

- A property owner, occupier or developer.
- An objector to development.
- A public interest group.
- A local council or councillor.
- A statutory authority or a government department.
- A commercial rival to an applicant for development consent.
- An Accredited Certifier.
- A Minister
- A prosecutor or defendant in criminal proceedings.

**2.1 Gathering information from external sources**

The solicitor:

- 1.2.1 Conducts the appropriate searches and makes the appropriate requests for documents and information to verify and add to information obtained from the client.
- 1.2.2 Knows the procedures for obtaining the documents and information required and conducts the inquiries with attention to detail and a concern for accuracy.
- 1.2.3 Liaises with other experts to obtain information.

**Note:**

**Information from external sources may include (but is not limited to):**

- Notices, certificates and correspondence from a local government or other authority.
- Relevant environmental planning instruments, development control plans, government policies, codes and plans of management.
- Reports, meeting minutes and resolutions of consent authorities.
- Applications to the authority for approvals, certificates or information including plans, application forms, and associated documents.
- Advice from specialist consultants such as architects, town planners, ecologists, engineers, valuers and land economists.
- Documents and other information held by relevant Commonwealth and NSW Departments and statutory authorities.
- Case law.
- Property information including certificates of title, deposited plans, rating and valuation information.
- Information on planning controls and property titles from online sources such as [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au) and <https://maps.six.nsw.gov.au>.
- Local council Development Application 'tracker'

**2. Analysing the practical and legal options**

**2.1 Establishing the options**

The solicitor:

- 2.1.1 Analyses the information obtained and identifies:

- The relevant issues of fact and law;
- Matters requiring further research; and
- The extent to which the relevant legal principles are clear or contestable and engages in legal research to ascertain legal principles or to develop arguments where those arguments are contestable.

2.1.2 Interprets the information obtained and assesses the impact of that information on the client's position, objectives and expectations.

2.1.3 At each stage of the matter, determines whether to seek counsel's opinion.

2.1.4 Prepares a list of the options or alternative courses open to the client.

2.1.5 Identifies the benefits and disadvantages of each option from the client's perspective.

2.1.6 Operates within the requirements imposed upon the solicitor's functions by the Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015.

**Note:**

**The issues may involve:**

- The interpretation and application of planning, environmental, local government and related administrative laws
- Refusal or deemed refusal of a development application for development consent.
- An application for, and issue of a complying development certificate.
- The imposition of unreasonable or unacceptable conditions of development consent.
- The interpretation of an environmental planning instrument, or development control plan or code/guideline.
- The development of Crown land or land owned by or under the control of a State or Local Government Authority.
- A statutory order to remedy a breach of the law.
- Legal consequences of something done or proposed to be done in relation to property (e.g. rates).
- A development and activity proposals by a public authority.
- Objection to proposed development which may impact on the development of other property.
- Rezoning of land – the planning proposal and other requirements in making a local environmental plan.
- Proposal of an authority to take away or acquire rights over the property of others.
- Civic office and administration.
- Conflicts of interest.
- Obligations and duties under Codes of Conduct applying to council officials, planning panel members and registered certifiers.
- Declaratory, civil enforcement and judicial review of administrative decisions.
- The powers and functions of a principal certifier and registered certifier.
- Options for criminal prosecutions and defence.
- The giving or receipt of a Development Control Order
- Refusal of the issue of a Building Information Certificate.
- The issue or receipt of Environment Protection Notices.
- Appeal rights and Court Elections upon receipt of a Penalty Notice.

## **2.2 Considering the options**

The solicitor, in analysing the benefits and disadvantages of each option, considers:

2.2.1 All of the alternatives to litigation including political or commercial negotiations.

- 2.2.2 The need to retain consultants such as those referred to above to provide advice so as to understand better the strengths and weaknesses of the client's case.
- 2.2.3 All of the relevant documentary records, such as documents prepared by experts on behalf of the client, council reports and relevant correspondence.
- 2.2.4 The need for a view of any relevant properties.
- 2.2.5 The client's general commercial position, including the range of outcomes which the client would find acceptable, the financial means available to the client and any timing issues arising from matters such as contractual obligations.
- 2.2.6 The possibility of instituting proceedings to preserve rights.
- 2.2.7 The commencement of proceedings for resolution of any short preliminary questions of law which may then be used to the client's advantage to resolve the matter completely.
- 2.2.8 Alternative Dispute Resolution ("ADR") either within or outside the structure of the Land and Environment Court.
- 2.2.9 Litigation and ADR (including mediation).
- 2.2.10 Negotiating with a statutory authority.
- 2.2.11 Amending applications and requesting reconsideration of the matter.

### **2.3 Providing advice**

In giving advice on strategy or action, the solicitor must bear in mind that an experienced legal adviser works closely with the client in moulding expectations and realising those expectations.

## **3. The solicitor implements instructions by**

### **3.1 Representation**

The solicitor advises the client of the appropriate level and means of representation as an alternative to litigation or alternate dispute resolution, and the likely cost consequences.

**Note:**

This may involve personal attendance at regional or local planning panel meetings, council meetings, representations to councillors, council staff or other authorities, letters, petitions, or by sending another legal or other relevant expert representative. Representation could be by way of formal submission to government, planning panels, ministers or departmental officers, the ombudsman, the ICAC, or other complaint bodies.

### **3.2 Alternative Dispute Resolution**

The solicitor:

- 3.2.1 Is familiar with the ADR options available in respect of a particular matter and is able to recognise whether the matter is amenable to proceed in this way.
- 3.2.2 Is able to suggest or recognise alternative solutions to facilitate the just, quick and cheap resolution of the real issues in the dispute or proceedings (section 56 of the Civil Procedure Act 2005 (NSW)).



### **3.3 Litigation**

- 3.3.1 Selects the appropriate venue for the conduct of the proceedings and recognises the jurisdiction of the relevant forum (in particular the Land and Environment Court (in respect of Class 1, 2, 3, 4, 5, 6, 7 and 8 matters), Pecuniary Interest and Disciplinary Tribunal, Equity and Common Law Divisions of the Supreme Court, Court of Appeal, District Court and Local Court, NSW Civil and Administrative Tribunal).
- 3.3.2 Is completely familiar with the procedure, practice directions and rules applying in the relevant jurisdictions, including codes of conduct for legal advisers to government and statutory authorities.
- 3.3.3 Identifies relevant time limits applicable to the proceedings (in particular commencement of proceedings, filing of expert reports and affidavits, etc.) and acts promptly and efficiently in relation to those time limits.
- 3.3.4 Considers whether it is appropriate to brief counsel, and if so, takes instructions and prepares a detailed brief.
- 3.3.5 Identifies and briefs relevant experts to be utilised in the proceedings (such as town planners, engineers, acoustical consultants, ecologists and others) and obtains expert opinions from them including identification that expert's fees are to be met by the client.
- 3.3.6 Reviews expert reports and prepares affidavits (if necessary).
- 3.3.7 Identifies the need to inspect documentary material of other parties as well as the appropriate procedure to adopt for the circumstances.
- 3.3.8 Drafts the majority of initiating process, without assistance of counsel, including relevant applications and affidavit material in Class 4 and 5 proceedings as well as urgent applications.
- 3.3.9 Attends directions hearings and most notices of motion in the Land and Environment Court and is able to appear as solicitor advocate in Class 1, 2 and 3 appeals and in straightforward class 4 matters seeking injunctive relief.
- 3.3.10 Able to appear before a Duty Judge of the Land and Environment Court of NSW on urgent interlocutory injunctions to seek declarations and orders to prevent apprehended breaches of planning, environmental and/or local government laws.
- 3.3.11 Able to appear before a Local Court Magistrate on Summary Offence matters.

## **4. The solicitor advises on outcomes**

### **4.1 Litigation**

The solicitor:

- Advises on the outcome
- Advises on practical implementation of the outcome.

**Note:**

These steps may involve advice on time limits, appeal options, costs and implementation factors.

### **4.2 General Matters**

The solicitor:

- 4.2.1 Upon giving advice checks whether the advice answered the client's questions and whether any further advice is required.
- 4.2.2 Upon acting in ADR advises on the practical implementation of the outcome.

4.2.3 Having made a representation advises on the practical implementation of the outcome.

## 5. Implementing outcomes

The solicitor has the knowledge and drafting skills to complete final documentation and to advise on the effect of these documents.

## B.2 Core knowledge areas

### Note:

Candidates taking part in the 2024 accreditation program should be aware of all recent and impending amendments to legislation. **All assessments will be based on the law and procedures applicable as of the date of the assessment.**

### B.2.1 Core knowledge

#### Constitution of State and Local Government Authorities

- Constitution and alteration of local government areas
- The legal status of a State-owned corporation, State Government Authority and local council
- The role of the governing body of a State-owned corporation, State Government Authority and local council

#### Administration

- The State Government or Council decision-making process
- Meetings
- Affixing the council seal
- Delegations
- Tendering
- Voting at local council meetings
- Council as an applicant for approval
- Conflicts between public duty and private interests
- Codes of conduct
- Duties of disclosure
- Pecuniary interests
- Non-pecuniary interests
- Personal liability of council members and staff
- Surcharging
- Organisational structure
- General manager and other senior staff
- Performance-based contracts
- Public officer
- Equal employment opportunity
- Remuneration of councillors and mayors

## **Functions**

- Council's charter
- Service functions
- Regulatory functions
- Approvals and orders
- Local policies
- Building information certificates
- Planning certificates
- Appeals
- Internal reviews
- Acquisition of land
- Public information requests (i.e. GIPA matters)
- Enforcement:
  - Civil proceedings
  - Prosecutions
  - Carrying out work
- Entry onto land and other powers
- Classification and management of council land
- Functions under other Acts
- Tendering
- Ancillary functions
- Joint ventures
- Public Private Partnerships
- Planning agreements
- Integrated planning and reporting
- Community strategic plan, resourcing strategy, delivery program, operational plan, community engagement strategy, annual report and state of the environment report of a council

## **Management**

- Management Plans
- Plans of management for community lands
- Financial management
- Accounting records
- Financial reports and auditing
- Council polls
- Open meetings
- Retention and preservation of records
- Public availability of information
- Privacy
- LEP-making process
- DCP
- Contributions plans and planning agreements

## **Administrative Review**

- Judicial review
- Inquiries, surcharge, investigation of complaints
- Pecuniary Interest and Disciplinary Tribunal
- The Minister for Local Government and the Office of Local Government
- The NSW Ombudsman
- The Independent Commission Against Corruption

- NSW Civil and Administrative Tribunal

### **Procedural Fairness**

- The hearing rule
- The bias rule
- The no evidence rule
- The duty to give reasons
- The duty to initiate inquiries
- Specific application to councils
- Specific applications to State Government in relation to councils
- The duty to act reasonably

### **Actionable Liability and Rights**

- Judicial remedies - damages, specific performance etc.
- Non-judicial remedies - administrative remedies
- Self help
- Defences, immunities and rights - non feissance, statutory authority, statutory exculpation
- Estoppel
- Council insurance and indemnity
- General non-contractual liability and rights
- Vicarious liability
- Specific context:
  - Land owner, occupier or provider of services and facilities
  - Providers of information or advice
  - Planning authority
  - Approval or consent authority
  - Building controller and regulator
  - Roads authority
  - Special statutory liability and rights
  - Contractual liability and rights
  - Defamation by and of Council
  - Immunities

### **Decision Makers and Recommendatory Bodies**

- Local Councils
- The Ministers for Planning and Local Government
- The Secretary of the Department of Planning, and Environment
- The Office of Local Government
- Independent Planning Commission
- Sydney District and Regional Planning Panels
- Local Planning Panels
- Relevant Planning and Consent Authorities
- SEPP 65 Design Review Panels
- NSW Fair Trading (Certifier Integrity Unit)
- Greater Cities Commission
- Accredited Certifiers
- NSW Building Commissioner

## **Land use planning**

- Environmental planning instruments:
  - State
  - Local
- Development control plans
- Metropolitan and Regional Strategies
- Special Activation Precinct Masterplans and Delivery Plans
- Site Compatibility Certificates and Activation Precinct Certificates
- Other adopted local policy documents including strategic plans
- Section 9.1 directions
- The Standard Instrument Local Environmental Plan Order
- Moves towards policy and statutory change (e.g. draft planning instruments and legislative bills)
- Planning proposals
- Tree preservation orders, trees dispute legislation and other means to protect/conservate/remove trees and vegetation
- 
- Contributions Plans
- Biobanking and offsets
- Climate change considerations
- Flood planning
- Local Strategic Planning Statements
- Bushfire Planning

## **Development applications, consents and certificates**

- Requirements for a valid development application
- Statements of Environmental Effects
- Determination of permissibility
- Environmental assessment
- Environmental impact statements
- Biodiversity assessment methods and reports
- Categories of development:
  - Requiring concurrence
  - Designated
  - Advertised
  - Integrated
  - State significant development
- Public consultation and notification
- Determination powers
- Review procedures
- Commencement and lapsing
- Conditions of consent
- Development contributions
- Planning Agreements
- Modification of consents
- Retrospective approvals
- Certification (complying development certificates and Part 4A certificates)
- Principal and Registered Certifiers
- Existing and continuing uses and applications to change or alter these
- Crown development applications
- Exempt and Complying Development

### **Environmental impact assessment of activities (Part 5 EPA Act)**

- Relevant activities
- Determining authority
- Consideration of environmental factors
- Environmental impact statements
- Biodiversity assessment methods and reports
- Community participation
- Decision-making powers

### **State Significant Development and State Significant Infrastructure**

- Relevant Developments
- Role of Minister for Planning and the Independent Planning Commission
- Environmental assessment
- Concept plans
- Critical State significant infrastructure
- Community participation
- Making the decision
- Appeal rights and right to seek judicial review of a decision

### **Heritage Conservation**

- *The Heritage Act 1977* (NSW)
- Aboriginal heritage administration
- Heritage agreements
- Environmental planning instruments
- Implementation and enforcement
- Devolution of heritage protection to local government
- Community participation
- Effects of Interim Heritage Orders and Heritage Orders
- Appeal rights under Heritage Act 1977 (NSW)

### ***Trees (Disputes Between Neighbours) Act 2006***

- Damage caused by trees
- View loss and overshadowing caused by hedges
- Land and Environment Court “tree dispute principles”

### **Appeals, Objections, Judicial Review**

- Time limits
- Locus standi
- Costs and compensation
- Proof
- Commencement of proceedings
- Service
- Structure and jurisdiction of the Land and Environment Court; its Rules, including the UCP Rules
- Planning Principles
- Procedures in various classes
- Powers of registrars and commissioners
- Proceedings by third parties

- Judicial review and appeals generally
- Time for compliance with orders and contempt
- Procedures to ensure compliance:
- Stay of proceedings including attempts to regularise illegal activity
- Lapsing of development consent provisions

## **Finance**

- Sources of finance
- Rates, charges and fees:
  - Making
  - Collecting
  - Levying
  - Categories
  - Rateable land
  - Concessions
  - Exemptions
  - Records
  - Adjustments Of Charges
  - Types Of Charges
  - Regulation & Control of Fees, Rates & Charges
  - Valuations For Rating Purposes Challenging Liability For Rates or Valuation
  - Loans
- Grants
- Investments

## **Enforcement**

- Orders under the *Local Government Act 1993*
- Development Control Orders under the *Environmental Planning and Assessment Act 1979*
- Civil and criminal enforcement under the *Environmental Planning and Assessment Act 1979*
- Declarations under the *Companion Animals Act 1998*
- Interim Heritage Orders under the *Heritage Act 1977*
- Directions under the *Roads Act 1993*
- Notices and noise abatement directions under the *Protection of the Environment Operations Act 1997*
- Declarations and management orders under the *Contaminated Land Management Act 1997*
- Orders and directions under the *Biodiversity Conservation Act 2016*
- Penalty notices and prosecutions for offences
- Land and Environment Court Orders and contempt
- Powers of authorised officers (entry and investigation)
- Notices, Orders and Directives under *Food Act 2003*

## **Real property considerations**

- Public positive covenants
- Restrictive covenants
- Easements
- Removal of obsolete covenants
- Effect of covenants on land use
- Conflict between covenants & development consents
- Acquisition of easements by compulsory process & compensation
- Operation of s 40 of the *Land and Environmental Court Act 1979*

## B.3 Legislation

The following legislation has been divided into 'core legislation'; 'important legislation' and 'peripheral legislation'.

### Core legislation

*Australian Heritage Council Act 2003 (Cth)*  
*Environmental Protection and Biodiversity Conservation Act 1999 (Cth)*  
*Biodiversity Conservation Act 2016*  
*Civil Procedure Act 2005*  
*Companion Animals Act 1998*  
*Contaminated Land Management Act 1997*  
*Environmental Planning and Assessment Act 1979*  
*Food Act 2003*  
*Greater Sydney Commission Act 2015*  
*Government Information (Public Access) Act 2009*  
*Heritage Act 1977*

*Independent Commission Against Corruption Act 1988*  
*Land Acquisition (Just Terms Compensation) Act 1991*  
*Land and Environment Court Act 1979*  
*Local Government Act 1993*  
*Marine Pollution Act 2012*  
*Mining Act 1992*  
*National Parks and Wildlife Act 1974*  
*Petroleum (Onshore) Act 1982*  
*Protection of the Environment Operations Act 1997*  
*Public Spaces (Unattended Property) Act 2021.*  
*Roads Act 1993*  
*Uniform Civil Procedure Rules 2005*  
*Valuation of Land Act 1916*

### Important legislation

*Aboriginal Land Rights Act 1983*  
*Access to Neighbouring Land Act 2000*  
*Administrative Decisions Review Act 1997*  
*Building Code of Australia and National Construction Code*  
*Building and Development Certifiers Act 2018*  
*Building Products (Safety) Act 2017*  
*Civil and Administrative Tribunal Act 2013*  
*Design and Building Practitioners Act 2020*  
*Encroachment of Buildings Act 1922*  
*Liquor Act 2007*  
*Public Interest Disclosures Act 2022*  
*Rural Fires Act 1997*  
*Summary Offences Act 1988*  
*Trees (Disputes Between Neighbours) Act 2006*



## Peripheral legislation

*Competition and Consumer Act 2010 (Cth)*  
*Competition Policy Reform Act 1995 (Cth)*  
*Disability Discrimination Act 1992 (Cth)*  
*Telecommunications Act 1997 (Cth)*  
*Animals Act 1977*  
*Anti-Discrimination Act 1977*  
*Boarding Houses Act 2012*  
*City of Sydney Act 1988*  
*Civil Liability Act 2002*  
*Community Land Development Act 2021*  
*Competition Policy Reform (New South Wales) Act 1995*  
*Conveyancing Act 1919*  
*Crimes (Appeal and Review) Act 2001*  
*Crimes (Sentencing Procedure) Act 1999*  
*Criminal Procedure Act 1986*  
*Crown Land Management Act 2016*  
*Dividing Fences Act 1991*  
*Duties Act 1997*  
*Environmentally Hazardous Chemicals Act 1985*  
*Evidence Act 1995*  
*Fair Trading Act 1987*  
*Filming Approval Act 2004*  
*Fire and Rescue NSW Act 1989*  
*Fisheries Management Act 1994*  
*Forestry Act 2012*  
*Gaming Machines Act 2001*  
*Graffiti Control Act 2008 (NSW)*  
*Geographical Names Act 1966*  
*Growth Centres (Development Corporations) Act 1974*  
*Home Building Act 1989*  
*Interpretation Act 1987*  
*Library Act 1939*  
*Local Land Services Act 2013*  
*Native Title Act 1993 (Cth)*  
*Natural Resources Commission Act 2003*  
*Ombudsman Act 1974*  
*Protection of the Environment Administration Act 1991*  
*Privacy and Personal Information Protection Act 1998*  
*Place Management NSW Act 1998*  
*Public Health Act 2010*  
*Real Property Act 1900*  
*Recovery of Imposts Act 1963*  
*Recreation Vehicles Act 1983*  
*Restricted Premises Act 1943*  
*Soil Conservation Act 1938*  
*State Emergency and Rescue Management Act 1989*  
*State Emergency Service Act 1989*  
*Strata Schemes Development Act 2015 No 51*  
*Strata Schemes Management Act 2015 No 50*  
*Surveying and Spatial Information Act 2002*  
*Swimming Pools Act 1992*  
*Sydney Water Act 1994*  
*Unclaimed Money Act 1995*  
*Waste Avoidance and Resource Recovery Act 2001*  
*Water Act 1912*  
*Water Management Act 2000*



*Water NSW Act 2014*

Relevant regulations (including the *Environmental Planning and Assessment Regulation 2021* and *Local Government (General) Regulation 2021*), the Standard Instrument, Land and Environment Court practice directions and policies and all State Environmental Planning Policies.

**Note:**

Candidates must make themselves aware of any associated pending legislative changes, especially in relation to the above core legislation (this includes any associated transitional provisions).

## C. Methods of Assessment

Below are listed the methods of assessment which all candidates must undertake. In your responses, you will be assessed on the associated assessment criteria. You will be required to perform each criterion to the level expected of a specially competent practitioner.

### C.1 Take Home Assignment

An assignment consisting of a series of questions requiring short answers will be distributed to candidates for completion at home. The purpose of the assessment is to test breadth and level of knowledge including identification and application of legal principles and understanding of procedures. The take-home assignment will be available for download from the online candidate portal on the date of release.

The assignment comprises two parts:

- Part (A): focusing on Local Government matters/issues; and
- Part (B): focusing on Environment and Planning including compulsory acquisition matters/issues.

**In order to pass the Take Home Assignment overall, candidates must pass both parts.**

#### Assessment criteria

- a) Ability to identify relevant issues from a given set of facts
- b) Depth of knowledge of the law and skill in applying that knowledge to the given facts
- c) Knowledge of relevantly applicable procedures, rules and practices
- d) Ability to provide practical, clear and accurate advice

**Release date:** 10:00 am, Thursday, 16 May 2024

**Due date:** 4:00 pm, Thursday, 6 June 2024

### C.2 Mock File

The purpose of the Mock File is to assess the candidate's ability to perform tasks undertaken by solicitors in this area of practice. The Mock File will be available for download on the date of release from the online candidate portal. Candidates will be required to work independently and to return the completed work on the specified date.

#### Assessment criteria

- a) Gathering information
- b) Analysing facts and legal effects
- c) Analysing the practical and legal options
- d) Reviewing and implementing instructions
- e) Finalising a matter

**Release date:** 10:00 am, Thursday, 16 May 2024

**Due date:** 4:00 pm, Thursday, 6 June 2024



### **C.3 Peer Interview**

Applicants will be interviewed by a panel of practitioners. The interview will run for approximately 30 minutes and will be recorded for assessment purposes. The interview will assess the candidates understanding of the area as well as issues arising from the Mock File and the Take Home Assignment. It is recommended candidates retain a copy of their Mock File and assignment answers.

#### **Assessment criteria**

- a) Clarity of spoken answers
- b) Legal approach and presentation
- c) Confirmation of understanding of written responses
- d) Application of legal principles to facts

**Date:** Sunday, 28 July 2024

**Venue:** Online

\*Candidates will be advised of the Peer interview time in July.

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