

## Alternative Pathways

### Introduction

Professions, particularly the more traditional professions, tend to have standardised pathways for gaining the relevant higher education qualification and then for entering the profession. For example, the traditional path for entry into the legal profession is for a high school student to complete a law degree at an Australian university and then enter the profession after a year or two of practical training.<sup>1</sup> Doctors, similarly, traditionally enter the profession by completing a medical degree after high school and then do an internship before being registered as a doctor.<sup>2</sup> The education is usually a bachelor's degree at an Australian university, with the course largely made up of compulsory subjects deemed essential, with only a limited amount of flexibility in terms of electives. This traditional paradigm is beginning to be broken down and challenged with new, more flexible alternative pathways to entry into professions.

This title looks at some of these alternative pathways to becoming a professional, in particular:

- Graduate degree pathways
- Profession-based rather than academic qualification pathways
- Apprenticeship pathways
- Transitional requirement pathways
- Limited rights to practice pathways
- Foreign qualification pathways.

### Graduate Degree Pathways

As mentioned, the usual route to becoming a professional is by completing a degree at the undergraduate level soon after finishing high school. However, increasingly, professions are offering the alternative of allowing prospective members to completing a graduate degree after the student has completed an undergraduate degree in another discipline. There are several benefits to the graduate degree model. Rather than a person having to decide, as a high school student, their future career, they can decide several years later when they are more mature and better able to make such an important decision, often as a 'career-changer'. It also allows for greater flexibility in entering a profession, for example, where a student has not done well at high school but, nonetheless, has the passion and determination to pursue their chosen career. Further, it ensures that entrants into the graduate program are more mature and thus more likely to handle the demands of the degree. In the legal profession, for example, a student normally completes a five-year Bachelor of Laws (often in combination with another degree) starting immediately after high school. However, now, several Australian universities offer an alternative three-year graduate degree called a Juris

---

<sup>1</sup> Legal Profession Admission Board of NSW, *Guide for Applicants for Admission as a Lawyer* (1 July 2017) 5 <<http://www.lpab.justice.nsw.gov.au/Documents/Guide%20for%20applicants%20for%20admission%20-%20Version%202.1%20-%20PUBLISHED%20-%2001-07-2017.pdf>> (accessed 17 March 2017).

<sup>2</sup> Medical Board of Australia, *Interns* <<http://www.medicalboard.gov.au/Registration/Interns.aspx>> (accessed 19 March 2018).

Doctor or 'JD' degree.<sup>3</sup> Further, there is usually no restriction on what the undergraduate degree can be.<sup>4</sup> This is valuable as it allows for individuals with different sets of skills and life and career experiences to enter the legal profession, widening the profession's demographic and talent pool.

Similarly, some universities now offer a graduate-level medical degree. While a traditional undergraduate medical degree usually takes six years,<sup>5</sup> the graduate degree only takes four years.<sup>6</sup> Many universities still only offer the undergraduate degree.<sup>7</sup> However, other universities, such as Melbourne University, have embraced the graduate format.<sup>8</sup> Indeed, Melbourne University now only offers a graduate medicine degree, called a Doctor of Medicine.<sup>9</sup> The University touts it as the way of the future: 'The Doctor of Medicine (MD) provides a fresh approach to medical training. As the first Australian professional entry masters level program, the Melbourne MD creates a new benchmark in 21st century medical education'.<sup>10</sup> As with the JD degree for law, there is no restriction on what undergraduate degrees are acceptable. Indeed, the Australian Medical Association encourages applicants with degrees in the humanities and social sciences to apply, even though some knowledge and aptitude in the sciences are still needed to pass the relevant university admission test.<sup>11</sup>

### Profession-Based Rather than Academic Qualification Pathways

Instead of the normal requirement of an academic qualification such as a university degree, some professions may allow an applicant to instead rely to some extent on profession-based qualifications. These are offered by professional associations or other non-academic institutions. Subjects taken in a profession-based qualification may equate to some of the more practice-oriented subjects in a university degree. For example, the emerging profession of financial planning is regulated by the *Corporations Act*<sup>12</sup> with the Australian Securities and Investments Commission ('ASIC') administering the Act.<sup>13</sup> ASIC currently sets minimum education standards for financial planners and generally requires a diploma or equivalent level of education relating to financial planning.<sup>14</sup> However, ASIC also takes into account 'professional association designations'.<sup>15</sup> This means that subjects completed in a profession-based qualification may be credited towards satisfying the educational requirement. Recently, the Act has been amended and, when fully implemented, will increase the educational requirement for financial planners from a diploma to a bachelor's

---

<sup>3</sup> See, e.g., University of New South Wales, *UNSW JD* <<http://www.law.unsw.edu.au/future-students/unsw-jd>> (accessed 19 March 2018).

<sup>4</sup> See, e.g., University of New South Wales, *UNSW JD - Entry requirements* <<http://www.law.unsw.edu.au/future-students/unsw-jd/entry>> (accessed 19 March 2018).

<sup>5</sup> See, e.g., University of New South Wales, *Medicine Program* <<https://medprogram.med.unsw.edu.au/about-medicine-program>> (accessed 19 March 2018).

<sup>6</sup> Australian Medical Association, *Becoming a Doctor* <<https://ama.com.au/careers/becoming-a-doctor>> (accessed 19 March 2018).

<sup>7</sup> University of New South Wales, *Medicine Program*, above n 5.

<sup>8</sup> University of Melbourne, *Doctor of Medicine* <<https://mdhs-study.unimelb.edu.au/degrees/doctor-of-medicine/overview>> (accessed 19 March 2018).

<sup>9</sup> University of Melbourne, *Doctor of Medicine*, above n 8.

<sup>10</sup> University of Melbourne, *Doctor of Medicine*, above n 8.

<sup>11</sup> Australian Medical Association, *Becoming a Doctor*, above n 6.

<sup>12</sup> *Corporations Act 2001* (Cth) ch 7.

<sup>13</sup> *Australian Securities and Investments Commission Act 2001* (Cth).

<sup>14</sup> Australian Securities and Investments Commission, *Regulatory Guide 146: Licensing: Training of Financial Product Advisors* (July 2012) 5 <<http://download.asic.gov.au/media/1240766/rg146-published-26-september-2012.pdf>> (accessed 19 March 2018).

<sup>15</sup> Australian Securities and Investments Commission, above n 14, 25.

degree (or equivalent) level of education.<sup>16</sup> The Financial Advisors Standards and Ethics Authority ('FASEA'), the authority established to implement these new requirements, has indicated that it is considering giving credit for profession-based courses such as the Certified Financial Planner course offered by the Financial Planning Association of Australia.<sup>17</sup>

## Apprenticeship Pathways

Historically, many professionals learnt their craft through an apprenticeship system (see the Future of Professional Education title). However, this has largely been replaced today with a university degree, a practical training requirement<sup>18</sup> and sometimes also professional-entry exam.<sup>19</sup> There have been moves in some jurisdictions, however, back towards a more work-oriented route to entry into the professions. For example, in the UK, the government is partnering with law firms to develop a return to an apprenticeship-style qualification alternative where lawyers, or at least legal executives, could be authorised to provide limited legal services without a university education. It is called the 'Trailblazers Apprenticeship in Law' and is being co-developed by the Department for Business, Innovation and Skills, the Department of Education, several law firms and the Chartered Institute of Legal Executives.<sup>20</sup> As the Chartered Institute describes it: 'These new apprenticeship standards, complete with high-level assessment approaches, will become, once agreed, the apprenticeship standard for the legal sector. Apprentices will undertake a combination of classroom and work-based learning'.<sup>21</sup>

## Transitioning Requirement Pathways

A profession may alter its education and training requirements from time to time, often to increase requirements in line with higher expectations. In these situations, alternative pathways can be useful for creating a smooth transition, especially for existing members of the profession, who entered when requirements were lower and thus have not completed the new level of education required. To illustrate, NSW teachers are now subject to a new regime which requires that those who entered the profession with lower-level educational requirements must work towards updating their qualifications to the current level.<sup>22</sup> To accommodate this, such teachers are still allowed to work while they complete the additional requirements, but only with 'conditional accreditation' status.<sup>23</sup> This transitioning requirement then provides an alternative to the general requirement that a teacher must have completed the new, educational level before they can teach and smooths the way for existing teachers to upskill.

---

<sup>16</sup> *Corporations Act 2001* (Cth) s 921B(2).

<sup>17</sup> Financial Planning Association of Australia, *FASEA's Proposed Guidance for Consultation on Education Requirements for Existing Financial Planners* (January 2018) 8 <[https://fpa.com.au/wp-content/uploads/2018/01/FASEA\\_proposed\\_guidance\\_Jan18.pdf](https://fpa.com.au/wp-content/uploads/2018/01/FASEA_proposed_guidance_Jan18.pdf)> (accessed 19 March 2018).

<sup>18</sup> Legal Profession Admission Board of NSW, above n 1, 1.

<sup>19</sup> See generally Hugh Breakey and Charles Sampford, 'National Exams as a Tool for Improving Standards: Can Australian Financial Advisers Take a Leaf from the Professional's Book' (2017) 40 *University of New South Wales Law Journal* 385.

<sup>20</sup> Chartered Institute of Legal Executives, *Trailblazers* <<https://www.cilexregulation.org.uk/about-us/education-and-training/trailblazers>> (accessed 19 March 2018).

<sup>21</sup> Chartered Institute of Legal Executives, above n 20.

<sup>22</sup> New South Wales Education Standards Authority, *Guide to Accreditation* <<http://educationstandards.nsw.edu.au/wps/portal/nesa/teacher-accreditation/how-accreditation-works/guide-to-accreditation>> (accessed 19 March 2018).

<sup>23</sup> NSW Education Standards Authority, *Guide to Accreditation*, above n 22.

Another example is the way that experienced financial planners, who entered the profession at a time when requirements were largely non-existent, have been accommodated under their current regime. As noted above, ASIC currently requires financial planners generally to have a diploma in subjects relating to financial planning.<sup>24</sup> However, ASIC offers an alternative pathway for experienced planners to practice without a diploma: 'As an alternative, experienced advisers can demonstrate their competence through individual assessment ... by an authorised assessor ... Advisers must have at least five years relevant experience over the immediate past eight years in the areas in which they advise'.<sup>25</sup> Thus, instead of needing a formal education, '[a]dvisers can be assessed against the training standards for their current activities in a variety of ways (e.g. on-the-job, portfolio assessment, oral or practical tests, challenge tests)'.<sup>26</sup> In contrast, the new legislated educational requirements for financial planners that FASEA is implementing do not allow for an alternative pathway that takes into account experience. A downside to this approach is, as one experienced practitioner noted, that: 'The industry could lose many of these advisers ... if they decide to forgo mandated education in favour of bringing forward their retirement or going back to former careers. This would represent a loss of the experience that younger advisers need around them'.<sup>27</sup> The new requirements do, however, as mentioned above, allow for financial planners to have the 'equivalent' of a bachelor's degree. Thus, a financial planner can upgrade from an existing diploma by completing 'a bridging course (not a three-year degree) to raise their qualifications to those equivalent to a degree'.<sup>28</sup>

### Limited Rights to Practice Pathways

In some jurisdictions, there has been an unbundling of the rights to professional practice for those who want limited rights to a more-specialised practice. This is an alternative to the traditional approach of every member of a profession having the ability to practice across the full spectrum of the profession. An example is the increasingly professional role played by legal executives in the UK. While the ability to practice as a solicitor is regulated by the Solicitors Regulation Authority, the UK *Legal Services Act*<sup>29</sup> also allows alternative routes regulated by more specialised regulators, providing greater choice for aspiring professionals.<sup>30</sup> The primary statutory meta-regulator is the Legal Services Board, which authorises the various primary regulators.<sup>31</sup> One of these is the Chartered Institute of Legal Executives, which is then the primary body regulating legal executives.<sup>32</sup> This body can approve persons to give them limited rights to practice law in specialised areas such as conveyancing, probate, litigation or immigration.<sup>33</sup> To become a Chartered Legal Executive, a person must complete a Certificate and Professional Diploma in Law and

---

<sup>24</sup> Australian Securities and Investments Commission, above n 14, 5.

<sup>25</sup> Australian Securities and Investments Commission, above n 14, 6.

<sup>26</sup> Australian Securities and Investments Commission, above n 14, 25.

<sup>27</sup> Tahn Sharpe, 'Back to school: Preparing for the Incoming Education Standards', *Professional Planner* (30 January 2018) <<https://www.professionalplanner.com.au/featured-posts/2018/01/30/back-to-school-preparing-for-the-incoming-education-standards-61087/>> (accessed 19 March 2018).

<sup>28</sup> Explanatory Memorandum, Corporations Amendment (Professional Standards of Financial Advisers) Bill 2016 (Cth) 78.

<sup>29</sup> *Legal Services Act 2007* (UK).

<sup>30</sup> Legal Services Board, *Approved Regulators* <[http://www.legalservicesboard.org.uk/can\\_we\\_help/approved\\_regulators/index.htm](http://www.legalservicesboard.org.uk/can_we_help/approved_regulators/index.htm)> (accessed 19 March 2018).

<sup>31</sup> Legal Services Board, above n 30.

<sup>32</sup> Chartered Institute of Legal Executives, *Who We Are* <<https://www.cilexregulation.org.uk/about-us/who-we-are>> (accessed 19 March 2018).

<sup>33</sup> Chartered Institute of Legal Executives, *Who We Are*, above n 32.

Practice and then an honours-standard Diploma in Law and Practice.<sup>34</sup> The person must also complete three years of qualifying employment, which includes meeting over two dozen 'work-based learning outcomes'.<sup>35</sup> This allows for an education that is tailored more specifically to the area of law in which the legal executive intends to practice and focuses more on practical skills rather than academic education.

## Foreign Qualification Pathways

Another alternative pathway towards becoming a professional is by having foreign, rather than Australian, qualifications. In some situations, these qualifications may be automatically accepted as equivalent to Australian qualifications. However, more often, they will need to be assessed to determine the extent to which they satisfy the Australian criteria and, where they are lacking, the individual will be required to complete further subjects. As detailed in the Foreign Qualifications title, some professions, such as the legal profession, accept New Zealand qualifications as a substitute for Australian qualifications due to the two countries' close historical and cultural ties.<sup>36</sup> Further, some professions acknowledge that the educational systems of other countries are close enough Australia's that they will automatically accept foreign degrees approved by the relevant authorities there. For example, the Medical Board of Australia has approved authorities in the US, the UK and Canada, among others, so that medical degrees approved by those authorities obtain automatic approval in Australia.<sup>37</sup>

Generally, however, professionals with foreign qualifications will usually need to demonstrate 'equivalency' or 'comparability' to Australian educational requirements before they can practice in Australia.<sup>38</sup> The education accrediting authority will normally have wide discretion to determine the extent to which the foreign qualification satisfies Australian educational requirements and will specify what additional subjects an applicant needs to complete before they are deemed to have completed an equivalent level of education.<sup>39</sup> Normally, the applicant will complete these additional subjects at an Australian university or school to ensure the subjects comply with Australian educational standards. (For more information, see the Foreign Qualifications and Higher Education Accreditation titles).

## Summary

This title looks at some of the alternative ways of entering the professions, rather than through the more traditional route of completing a degree after high school at an Australian university along with practical training and/or an exam. It notes the growth of universities offered graduate degrees as a way of allowing for

---

<sup>34</sup> Chartered Institute of Legal Executives, *Become a Fellow* <<https://www.cilexregulation.org.uk/lawyers/become-a-fellow>> (accessed 19 March 2018).

<sup>35</sup> Chartered Institute of Legal Executives, *Become a Fellow*, above n 34.

<sup>36</sup> See, eg, *Mutual Recognition Act 1992* (Cth); *Trans-Tasman Mutual Recognition Act 1997* (NSW); *Supreme Court Rules 1970* (NSW) especially Supreme Court Practice Note No SC Gen 8.

<sup>37</sup> Medical Board of Australia, *Competent Authority Pathway* <<http://www.medicalboard.gov.au/Registration/International-Medical-Graduates/Competent-Authority-Pathway.aspx>> (accessed 19 March 2018).

<sup>38</sup> See, eg, Legal Profession Admission Board, Law Admissions Consultative Committee, *Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession* (February 2015)

<<http://www.lpab.justice.nsw.gov.au/Documents/Uniform%20Principles%20for%20assessing%20Overseas%20Qualifications%20-%20with%20LPAB%20deletions%20on%2017-03-2016.pdf>> (accessed 19 March 2018).

<sup>39</sup> See, eg, Legal Profession Admission Board, Law Admissions Consultative Committee, above n 38.

greater flexibility and for more mature students – often career-changers – who can bring a wide range of prior education, work and life experiences to the professions, and offer fresh outlooks. The title also shows how regulators and professional associations are often willing to consider courses done in a more professional setting, outside the university framework, when considering whether a candidate has an adequate level of education. It then notes that, as an alternative, there have even been some limited moves towards returning to apprenticeship-style learning that combines profession-based courses with practical on-the-job training to ensure aspiring professions have a significant level of practical experience when they enter the profession. Transitioning pathways are also considered where, for example, qualification requirements are raised, and existing professionals need either to boost their education or else gain some form of exemption considering their experience. The title then considers moves in the UK towards certifying narrow specialties within traditional professions, which allow for limited practice with easier entry requirements. Finally, it gives an outline of the way that Australian professions can accommodate foreign higher education qualifications, though either a system of automatic recognition or else by requiring the foreign applicants to complete additional subjects to meet Australian educational requirements. Alternative pathways such as these are valuable and fresh steps forward for the professions and allow for greater flexibility in gaining access to the professions. Where these alternative pathways are well thought out and well-administered, they can potentially allow for valuable growth and renewal in the professions at a time when the concept and value of the professions is being called into question. (See the Professions, Professionalism and Professionalisation titles.)

Written by: John Chellew, Katherine Chow, Belle Anais and Francesca Mendoza  
 This subject overview has been written with the support of the following partners:

