

Submission to the Legal Services Council's Admissions Committee and Law Admissions Consultative Committee consultation paper

Revisions to the Accreditation Standards for Australian Law Courses

Introduction

The Victorian Legal Services Board and Commissioner (**VLSB+C**) thanks the Legal Services Council's Admissions Committee (**LSCAC**) and Law Admissions Consultative Committee (**LACC**) for the opportunity to provide feedback on the proposed revisions to the Accreditation Standards for Australian Law Courses (**the Standards**).

LSCAC and LACC's review of the Standards is timely, given the expansion of online education delivery post the COVID-19 pandemic, and the rapid development and adoption of artificial intelligence. VLSB+C is particularly interested in proposed revisions to the Standards, in light of our recent program of work focused on early career lawyers (**ECLs**). Through this work, concerns have been shared with us about the efficacy of legal education and the subsequent practice-readiness of ECLs.

This submission summarises VLSB+C's program of work on ECLs, including research findings about how education delivery can affect practice preparedness. We also respond to the following consultation questions posed by LSCAC and LACC on the proposed revisions to the Standards (as set out in the [Feedback Form](#)):

- **Consultation question 1.1** (Online delivery of law courses), and
- **Consultation question 1.2** (Active learning).

Our role as the legal regulator in Victoria

The Victorian Legal Services Board (**the Board**) and the Victorian Legal Services Commissioner (**the Commissioner**) are the independent statutory authorities responsible for regulating the legal profession in Victoria in accordance with the *Legal Profession Uniform Law* (**the Uniform Law**).¹ Both authorities are accountable to the Victorian Parliament. The Board and the Commissioner effectively operate as one body, the VLSB+C.

The Board is responsible for several regulatory functions, including making decisions about lawyers' practising certificates, overseeing law practices' trust accounts and external interventions into law practices, and making applications for the removal of lawyers' names from the Supreme Court roll where appropriate.

The Commissioner is responsible for receiving, managing and resolving complaints about the conduct of lawyers (which can extend to a lawyer's conduct outside of legal practice). The Commissioner has investigative and prosecutorial powers, and investigations she undertakes can result in a variety of disciplinary actions. The Commissioner also has a key role in educating the community and the legal profession on issues relevant to the regulation and delivery of legal services.

¹ As set out in schedule 1 to the *Legal Profession Uniform Law Application Act 2014* (Vic).

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To support our regulatory efforts, VLSB+C engages in research and policy development directed at improving legal practice and ethics, improving access to justice and protecting and empowering consumers.

Our work to better understand the experiences of ECLs and their supervisors

Over the last four years, VLSB+C's policy and research functions have sought to better understand ECLs' experiences of legal practice, in response to anecdotal evidence suggesting a lack of practice-readiness, poor supervision and significant rates of negative workplace experiences, including bullying and sexual harassment.

Of particular relevance to this review are findings from our [2023](#) survey of ECLs and 2024 survey of ECL supervisors (see **Attachment A** for 2024 results) about their experiences and impressions of supervised legal practice (SLP), as well as responses we received to a question in our 2025 Lawyer Census about the skills that supervising lawyers believe ECLs are missing.

Key findings include that supervising lawyers:

- are concerned about the skill level of the ECLs they supervise, with 40% agreeing that ECLs' insufficient skills and knowledge are a barrier to providing effective supervision during SLP
- consider that, while ECLs they had recently supervised had sufficient substantive legal knowledge, some were unable to apply their knowledge in practice, due to the poor quality of their legal education and lack of opportunity to undertake experiential learning, and
- are concerned about the impact of online education on ECLs' communication skills and their ability to form professional networks with peers and mentors.

These findings align with similar evidence from other jurisdictions that:

- there is a discrepancy between what ECLs learn through academic and practical legal education and the skills expected of them when they commence practising², and
- online delivery and a lack of experiential learning opportunities during legal education may contribute to this perceived lack of practice-readiness.³

This evidence points to concerns about the efficacy of academic and practical legal education, particularly when completed partially or fully online, in preparing ECLs for legal practice.

Online delivery of law courses

We understand that, in the context of growth in the number of law courses being delivered partially or fully online, LSCAC and LACC propose to revise the Standards to better support the effectiveness of online education

² For example, see F Cantatore, T Atwill and R Field, *The job readiness of law graduates and entry level solicitors in private practice: Final report*, Queensland Law Society, 2022.

³ For example, see M McNamara, 'University legal education and the supply of law graduates: a fresh look at a longstanding issue', *Flinders Law Journal*, 2019, 20(2): 223-257; and S Kift and K Nakano, *Reimagining the professional regulation of Australian legal education*, Council of Australian Law Deans, 2024.

delivery – in particular, by updating and clarifying various definitions, and delineating between synchronous (real time) and other online learning.

VLSB+C recognises the importance of offering alternative forms of legal education delivery to maximise opportunities for students to find offerings that meet their needs, and appreciates online delivery may be particularly helpful to those living in regional, remote, rural or very rural (RRRR) areas). This in turn contributes to better access to justice in RRRR areas and to the overall diversity of the profession. A legal profession that is diverse and representative of the community is more accessible and better placed to meet community needs, leading to better legal services for clients.

However, it is relevant to note that online legal education is the subject of some apprehension within the profession. Lawyers who supervise ECLs subject to SLP conditions on their practising certificates reported concerns (via our 2025 Lawyer Census) about the impact of online education on ECLs' communication skills and their ability to form professional networks with peers and mentors, with flow-on effects for access to professional opportunities.

It is critical that students who complete their legal education exclusively or partially online do not receive a lower quality education or experience suboptimal learning outcomes compared with students who learn in a traditional classroom setting, because of a lack of equivalent opportunities to participate in experiential learning and build their communication and relationship skills and networks.

Provided that online legal education courses incorporate high-quality opportunities for experiential learning (including relational skill development), our view is that these courses can offer equally positive educational outcomes to more traditional classroom settings. However, we respectfully submit that the LSCAC and LACC may like to consider future work to examine whether particular modes of education delivery result in different educational outcomes, and if so, whether further revisions to the Standards are required to strengthen standards in online legal education delivery.

Active learning

We understand that proposed revisions to clauses 4.5 (Content of the law course) and 4.6 (Teaching the law course) of the Standards would introduce minimum requirements for active learning and student engagement to improve the efficacy of diverse delivery modes, including online education.

We support the proposed introduction of a requirement that at least 18 hours of a 36-hour law course must involve active learning or direct interaction between teacher and student, whether in-person or through synchronous online delivery. This change is consistent with our [independent review of continuing professional development \(CPD\) in Victoria in 2020](#) which noted that adult learning activities with strong engagement and interaction components result in better learning outcomes.

We note that the Explanatory note to clause 4.6 in the Standard (which covers *Teaching the course and active learning*) is proposed to be amended to specify that “direct interaction between students and teachers *whether in-person or through synchronous online learning*” remains the “primary reliable means” of students acquiring the appropriate understanding and competence in any given area of learning.

We suggest that LSCAC and LACC consider amending the Explanatory note to emphasise that direct interaction, whether in-person or through synchronous online learning, is both “the primary reliable means” of students

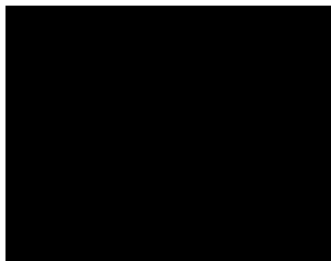
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achieving understanding and competence, and also the preferable means. We consider it unlikely that most students will be able to acquire the understanding and competence expected of them upon completion of their legal education without significant direct interaction with their teachers.

Conclusion

We thank the LSCAC and LACC again for the opportunity to provide feedback and hope that these comments are helpful. Dr Deborah Lawson, Principal Policy Advisor, would be pleased to discuss this submission in further detail, or provide additional information if required. Deborah can be contacted at [REDACTED] or on [REDACTED]

Yours faithfully



Fiona McLeay
Board CEO and Commissioner

Attachments

Attachment A: VLSBC Document - 2025-06-12 [REDACTED]
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