

Response to the LACC proposal

Introduction

I appreciate the opportunity to respond to the LSC and LACC's consultation paper and I share many of the articulated aims of the reform of PLT and the training of graduates. For example, we agree that skills training is best done through practice and point to the findings that the most valuable part of the existing PLT system is the legal practice requirement.¹

I also see the benefits of some skills training being included in the Law Curriculum, specifically through the implementation of properly resourced and developed clinical legal education programs. This response will look more closely at that below.

However, we would also like to take a broader view of the issues facing the legal profession at the moment. The uniform law states as its objective "to promote the administration of justice and an efficient and effective Australian legal profession."²

If we are to be honest with ourselves the legal profession is failing in a number of ways.

Access to Justice; the inability of those most in need of legal assistance is growing at an alarming rate. We, as a profession, have failed to meaningfully address this issue.

Structural Racism; Few would argue with the evidence that our legal system operates to perpetuate discrimination, particularly against Indigenous Australians. Yet the legal profession has failed to fully acknowledge their role in this or the ways it can be addressed.

Structural Urbanism; the divide between the legal services available in regional, rural, remote, and very remote (4R) areas and urbanised areas represents a chronic failure. While intersecting with the above two issues, it also stands alone as a fundamental flaw and hurdle to an efficient and effective legal profession that can serve all Australians.

These issues are broad and some might suggest they are not within the scope of this proposal for reform. We would argue that even if you accept that premise, there must surely be a responsibility for any reform which engages with the Australian legal system not to make these issues worse. With respect, we suggest that the proposed reforms, in failing to consider the broader impact, will exacerbate these issues. This assertion will be

¹ It is also interesting to note that only 11% who gave an answer to this question (other than not sure) did 15 days p. 44 <https://legalservicescouncil.org.au/documents/highlights/national-plt-research-report-march-2026.pdf> The quote a p. 44 is insightful (!): 'I think if you had no prior legal experience before doing PLT, 15 days of placement is not enough to really experience the legal profession. -Graduate'

² Legal Profession Uniform Law <https://legislation.nsw.gov.au/view/html/inforce/current/act-2014-16a#sec.3>

explored in more detail below, but first we would like to highlight the opportunities presented by this proposal for reform.

Skills development and Clinical Legal Education

The LACC report notes that the national survey and other feedback suggest that the most effective legal training takes place ‘on the job’,³ we do not dispute this, however, this on-the-job training does not have to only happen during PLT in the early years of legal practice. **Clinical Legal Education** present an excellent opportunity to develop the practice skills in law graduates as they progress through their legal studies.

Clinical legal education is more than skills development, it is a fundamental educational approach which strengthens learning by situating it clearly within the context the learning is intended to serve. In doing this, it provides a unique learning environment for students to not only develop the legal practice skills they need, but to do so understanding why they are important, what they can achieve when executed well, and what the ethical impacts of their practice are.

Clinical Legal Education can

- Turn passive knowledge into active knowledge through requiring students to use the knowledge they have gained from law school⁴
- Develop communication skills and in particular the skill of listening and understanding the context of their clients, a crucial element of good legal practice.
- Develop ethical and reflective practice in students, better equipping them for practice and a sustainable legal career.
- Provide a first-hand experience of the ways in which the legal system functions and fails, the way it denies some while benefiting others and how real people deal with these issues.

More clinical legal education within law schools, would not only increase the skill level of our graduates but also develop those important professional skills within institutions set up to provide the supervision, scaffolding and support for students. While many law practices have frameworks of training and graduate support designed to address these aims, many legal practices do not. This is evidenced from the overall decline in investment within legal practices in graduate development and training.⁵

³ LACC report and reform proposal P7

⁴ See <https://www.engageli.com/active-learning-impact-study>.

⁵ Over the last decade, there has been a notable shift where more graduates are expected to complete (and pay for) their own PLT before being considered for employment. While the LPAB NSW survey found that 64% of recent graduates undertook unpaid placements, and nearly half of these did not lead to permanent employment.

Once the benefits of Clinical Legal Education are understood⁶, this reform presents further opportunities to maximise those benefits. If there were a link between the teaching of law and the practice of law, supported by law schools through clinical legal education programs, the following added benefits would emerge

- Stronger academic response to emerging practice issues and stronger practitioners understanding of legal theory (including critical legal theory) and the technical rationality of law.⁷
- Increased understanding of the link between ethical and sustainable practice and broader issues facing the legal profession, such as technology (including artificial intelligence and the impact climate change and global conflict.
- Clearer understanding of the access to justice crisis and how to address it in practical and concrete ways.

At Murdoch School of Law and Criminology we use a tiered clinical model. Students are able to enrol⁸ in one of five clinics once they reach second year. Our clinics are a collaboration with SCALES Community Legal Centre, and as such the students join their supervisors in working on the real legal matters of clients of SCALES. They are trained in everything from file management, PI requirements, intake procedures, interviewing clients, undertaking legal research, formulating and providing advice, developing a case theory, drafting letters and documents including for litigation.

Once they have completed a clinical unit, they have the added opportunity of returning to the SCALES practice to complete the practice experience requirements of PLT. I have witnessed firsthand the benefit to students of building on their clinical experience through PLT. Undergraduate clinical unit takes place before the students have the foundation to make the most of their experience and revisiting and building on this experience exponentially increases the student learning.

The scaffolding of clinical learning greatly increases the value of the clinical experience, while also increasing the usefulness of those students to the host legal practice. This leads us to the double benefit of clinical legal education, which is that, when properly resourced and managed, it can provide a part of the solution to the access to justice crisis already mentioned, in that it *can* increase capacity of legal services *if* the foundations and formative education of the students is accomplished.

I support the development of Clinical Legal Education as a way of supporting the skills acquisition and practice education for future lawyers. I am of the view that this will be most effective when introduced at the undergraduate level and the developed throughout

⁶ See https://cald.asn.au/wp-content/uploads/2024/04/Reimagining-KiftNakano_FINAL.pdf

⁷ See Schon

⁸ While not a clinical guarantee, we work to ensure that all law students who want to undertake a clinical program will be able to during their degree.

the degree and into the post degree training such as the proposal for clinical components in PLT. I suggest that proper use of clinical legal education can significantly improve the effectiveness and outcomes of the practical components of the PLT. This has been demonstrated through the model developed at Murdoch University.

However, in order for this model to be effective, proper investment in clinical legal education must be committed to, both by the Universities and those with an interest in ‘the administration of justice and an efficient and effective Australian legal profession’. The guide to how to implement and support a clinical program in an Australian Law School has been provided in the book *Australian Clinical Legal Education* and through the *Best Practices in Australian Clinical Legal Education*.⁹

I note and agree with the observations¹⁰, that the assumptions that skills can easily be pushed back into the existing law degree without proper consideration of the practical and financial resources needed, is misplaced. I would add that while teaching these skills through small group and experiential methods has value, the teaching through real client practice in a clinical model greatly increases positive outcomes. However taught, I agree that

*Meaningful investment in the training, onboarding, and ongoing support of practice-experienced teaching staff takes time and money — money that is not available in the current funding environment, and which the LPAB's reform framework does not address.*¹¹

This is an opportunity to embrace clinical legal education in all law schools, so that skills for practice can be taught alongside meaningful engagement with ethical issues, access to justice and use of technology (including AI). If this is simply a request that law school do more within their already crammed curriculum, relying on goodwill from the legal profession and retired practitioners, it is hard to see how the outcome would be better than the existing providers who have been developing their courses for decades and have dedicated and well trained staff delivering it.

I would now like to turn to the concerns that we have that some of the proposed reform is likely to exacerbate challenges we currently face and listed above.

⁹ *Australian Clinical Legal Education: designing and operating a best practice clinical program in an Australian law school*, Adrian Evans, Anna Cody, Anna Copeland, Jeff Giddings, Peter Joy, Mary Anne Noone, Simon Rice, ANU Press, 2017

¹⁰ Joint Response of the NSW Law Deans to the Legal Profession Admission Board *Interim Report of PLT Reform* (13 March 2026)

¹¹ Joint Response of the NSW Law Deans to the Legal Profession Admission Board *Interim Report on PLT Reform* (13 March 2026)

Structural Urbanism

Most law schools are in urban areas, predominantly capital cities, meaning that most students from 4R area must travel to city centres to undertake their legal studies. While there are regional universities offering law courses, this proposal would now require those students to travel to undertake face-to-face training in order to complete their PLT. The cost of accommodation in addition to the cost of the course, and taking time away from usual employment, families and their community, puts an extra burden on these students. Mandatory face-to-face or short intensive programs would disproportionately disadvantage 4R students, as well as those with caring responsibilities or limited financial resources.

In addition, this proposal intends to remove PLT from TEQSA oversight or FEE-HELP eligibility, meaning that students will lose key protections and financial support. If there is no financial assistance for the PLT courses, it will place the final stages of admission beyond the reach of many students

Structural racism

Legal education in Australia lacks the systemic inclusion of Indigenous cultural competency.¹²

From the 1991 Royal Commission into Aboriginal Deaths in Custody to current commitments under the Closing the Gap Justice Targets, the need for lawyers to have the capability to work with and for Indigenous Australians has been recognised.¹³

The outcome of this failure is evident in every corner of the legal system, in over representation in incarceration and child removal, and underrepresentation in almost all legal process that are initiated by a client to assert their rights.

Any proposal to reform the education, training and admission of legal practitioners must consider the structural racism that exists in the current models. This proposal does not mention it. We refer you to the excellent submission mentioned above, the conclusions of which we endorse.

Access to Justice

As noted above, the Report does not adequately address the implications for regional law schools as institutions. These universities serve communities where access to justice is already a major issue. This proposed reform will impact on those locals who are willing to undertake a law degree and then return to (or stay) in those communities to offer legal services. It will do this in a number of ways

¹² See submission by the First Nations Legal Professional Standards Working Party May 2026.

¹³ Ibid p 2

- It will add pressure through increased curriculum demands to universities and could impact on the viability of regional law schools
- It places a burden on student to complete PLT face-to-face, which will require away from home study with all the attendant costs.
- They could further entrench the structural urbanism of legal education, which in turn undermines the provision of legal services in 4R areas.
- The removal of Fee-Help means the student body is less likely to understand or have lived experience of the deficiency of legal services and its impact

These concerns must be understood in the context of the broader higher education funding environment. As pointed out by the NSW Deans,

*three-year law degrees now cost students in excess of \$50,000, and enrolments of low socioeconomic status students in law have declined by 17.7% over the past five years — nearly one in five. IRU Chair and Western Sydney University Vice-Chancellor Professor George Williams has warned that Australia risks entrenching a two-track higher education system in which access to the professions increasingly reflects socioeconomic background rather than ability and effort.*¹⁴

Workforce issues

I suggest that this growing inequity in the legal profession should be a central concern of the LACC and LSC. At the very least it should a major factor to be considered when determining the impact of any proposal for reform. Community Legal Centre Australia (CLCA) recently reported to the Fair Work Commission gender undervaluation priority awards review, that “to meet community need, the community legal sector needs an additional **1,582 FTE** workers.” This workforce deficiency is most marked in 4R areas, and we suggest that this proposal will add to this problem.

The proposal would impact of workforce availability and in doing so exacerbate the access to justice issues including those mentioned above.

Timeframe issues

In addition, the proposed timeframe is unrealistic and increases the risk of unforeseen consequences. Care should be taken to fully understand the impact of any reforms on the legal profession and their capacity to meet legal need. There should be particular attention paid to the issues raised in this response, however, there are many other issues and unforeseen impacts that need to be identified and thought through.

Thank you for the opportunity to make this submission.

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¹⁴ Ibid 5