

Feedback Form: Review of practical legal training

Respondent details

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Are you responding as (select one):

- ☐ Individual
- ☒ Organisation
- ☐ Peak body / Representative group
- ☐ Other (please specify): _____

Jurisdiction (select one)

- ☒ National
- ☐ Australian Capital Territory
- ☐ New South Wales
- ☐ Northern Territory
- ☐ Queensland
- ☐ South Australia
- ☐ Tasmania
- ☐ Victoria
- ☐ Western Australia
- ☐ Multiple
- ☐ Other. Please specify:

Your submission will be shared with the Admissions Committee and the Law Admissions Consultative Committee and may also be shared with the Legal Services Council.

Unless stakeholders advise us otherwise, submissions may be published on the Council's website.

May we publish your response on the Legal Services Council's website (select one)?

- ☒ Yes
- ☐ No

Responses to consultation questions

Law courses	
1.1	Do you support the proposal for the LACC to amend the Accreditation Standards for Australian Law Courses to require law courses to demonstrate how they have included practical teaching and training of the practical skills identified at Appendix F, with appropriate assessment? We support inclusion of trauma-informed and culturally safe knowledge and practice as a specific skillset, given its critical role in effective client engagement and delivery of professional legal services. Clients who have experienced trauma may be encountered across many areas of legal practice and disclosures can occur early in a legal professional's career, so adequate preparation is key. Understanding the impact of trauma is essential to support lawyers to meet their professional obligations, improve complainant experiences of the justice process (including by reducing re-traumatisation) and increase community confidence in the justice system's ability to respond appropriately to matters including sexual violence (which currently experiences low reporting and high attrition rates). As noted by the Australian Law Reform Commission (ALRC) in its recent report '<i>Safe, informed and supported: Reforming Justice Responses to Sexual Violence</i>', '[L]aw schools and practical legal education providers have a critical role in rebuilding the integrity of the response of the criminal justice system to sexual violence.' (p237). We also support the inclusion of a skillset for legal practitioners to identify and respond to clients who are experiencing family, domestic or sexual violence (FDSV) and/or elder abuse, and to identify clients who may be engaging in systems abuse. The Australian Government has awarded a grant to National Legal Aid, Women's Legal Service Victoria and First Nations Advocates Against Family Violence in a consortium arrangement to develop and deliver continuing professional development training for legal practitioners on coercive control. As part of training development, consultation has occurred with legal and allied practitioners, lived experience groups, legal assistance services and advocacy groups. The consultations identified the need for more training on FDSV and elder abuse, and the significant benefit of law students learning adjacent skills early in their legal professional careers. Those skills will provide valuable experience for lawyers not only dealing with family law matters but also in areas such as criminal law, child protection, property law, contract law, succession law and elder law.
1.2	Do you suggest any amendments to the proposed skills schedule (Appendix F) in respect of the knowledge areas and skills to be included in the delivery of law courses, as identified in column three of the table? As above.

1.3	Would law schools be able to implement these changes by the beginning of the 2028 academic year, as proposed? The Department is not in a position to comment on this. However, a number of trauma-informed lawyering resources already exist and could potentially be drawn upon by law schools to assist with implementation and improve national consistency.
Reform of PLT – Practical knowledge and skills	
2.1	Do you support the proposal to amend the PLT Competency Standards to reflect the categories and skills set out in the skills schedule at Appendix F as the practical knowledge and skills required at the time of admission? As above (at 1.1).
2.2	Do you suggest any amendments to the categories or skills set out in the skills schedule at Appendix F? As above.
2.3	Do you think that the following areas need to be specifically included in the skills schedule, either as categories or identified knowledge and skills: i. Working with clients from culturally and linguistically diverse backgrounds? ii. Preventing and addressing sexual harassment? iii. Awareness of obligations under anti-money laundering/counter-terrorism financing regulations? iv. Awareness of ADR options, or specific skills relating to ADR? v. Negotiation skills in a wider range of settings, or other specific settings? vi. Drafting any other types of legal documents? If so, what types of documents? Item (i) should be included (working with clients from culturally and linguistically diverse backgrounds) given the importance of this as an access to justice issue across a wide cross-section of legal practice. We defer to others with relevant subject matter expertise to determine the utility of the remaining listed items.
2.4	Should the option for graduates to undertake Supervised Workplace Training as a way of completing PLT be retained? No comment

2.5	If the option of Supervised Workplace Training is to be retained, what aspects of the skills schedule should be delivered by an approved provider or as approved programmed training? No comment
2.6	Should there be any other amendments to Supervised Workplace Training? No comment
Reform of PLT – Delivery of PLT	
3.1	Do you support the proposal for the LACC to amend the PLT Standards to reduce PLT courses to be a minimum of four weeks in length, together with up to one week of pre-reading and viewing of preparatory materials? No comment
3.2	Do you think that a four-week period is too short or too long for a PLT course, taking into account the other proposals in relation to law courses and post admission training? No comment
4.1	Do you support the proposal for the LACC to amend the PLT Standards to provide that a PLT course may be, but does not have to be, delivered at a graduate diploma level or equivalent? No comment
4.2	If you support this proposal, would any additional safeguards be required for PLT providers (given they would not necessarily be regulated by TEQSA)? For example, should new quality assurance measures be required in the LACC framework documents? What should those additional measures be? No comment
5.1	Do you support the proposal that the LACC amends the PLT Standards to require that PLT coursework is to be delivered in person or, in exceptional cases (as determined by the PLT provider), by synchronous online delivery? No comment

6.1	Do you support a review of the PLT Standards to ensure that assessments are rigorous in measuring whether students have developed the required knowledge and skills? If so, do you have any suggestions on how the Standards should be set to ensure rigorous and effective assessment? No comment
6.2	Do you think that there is a need for the LACC to amend the PLT Standards to provide guidance on how incidents of academic misconduct should be recorded and reported to the admitting authorities in student conduct reports? No comment
Workplace experience	
7.1	Do you support the LACC retaining the requirement for a minimum of 15 days of workplace experience prior to admission? No comment
8.1	Do you support the LACC updating the Standards on PLT Workplace Experience to provide more information on the types of tasks and hours allocated to the development of specific skills for students completing their workplace experience, with regard to the skills schedule at Appendix F? Do you have any suggestions on what this guidance should include? No comment
9.1	Do you support the LACC working with stakeholders to prepare guidance for supervisors on the supervision of workplace experience that addresses the purpose and requirements of workplace experience, the type of tasks to be undertaken and time allocated to them and the ethical standards and expectation of supervisors? As a broad principle, we support engagement with diverse stakeholders in the development of guidance materials relevant to practical skill development for lawyers.
10.1	Do you think that legal profession regulators should review the training that is offered to lawyers who wish to improve their supervisory skills? No comment

10.2	Do you think that there is a need for additional training for lawyers who wish to improve their supervisory skills? What do you think that training should include? How could it be delivered? No comment
11.1	Do you support the LACC amending the Standards and the Standards for PLT Workplace Experience to allow a PLT provider to approve workplace experience being undertaken while the student is studying a law course? If so, should any additional safeguards or requirements be imposed on such work experience? Should PLT providers play the role of certifying that appropriate work experience has been undertaken? No comment
12.1	Do you support the LACC amending the PLT Standards to set out the obligations of PLT providers to assist students in sourcing workplace experience opportunities? No comment
Post Admission Legal Training (PALT)	
13.1	Do you support a new requirement being imposed for early career lawyers to undertake 15 hours of PALT in each of the first two years of practice? Is the amount of time proposed for PALT too long or too short? No comment
13.2	Do you think it is appropriate for this requirement be implemented as a condition on practising certificates? If not, please outline what you consider to be the preferable mechanism to impose the new requirement. No comment
14.1	Do you support the proposal for lawyers who practise exclusively as barristers to be exempt from the requirement to undertake PALT? Would this pose any issues in your jurisdiction?

	No comment
15.1	Do you support the proposal that PALT should be delivered in areas identified and developed by PALT providers, subject to the approval mechanisms set out separately below? No comment
15.2	Do you support the idea that lawyers can choose to undertake PALT in one practice area, or up to four different practice areas? No comment
16.1	Do you support the proposal that lawyers who are undertaking PALT should have further restrictions on their ability to practise? If so, what additional restrictions should apply? No comment
Delivery of PALT	
17.1	Do you support the proposal that PALT should be delivered in person or, in exceptional circumstances (as determined by the PALT provider), by synchronous online delivery? No comment
18.1	Do you support the proposal that the content and providers of PALT should be approved by the regulator that issues practising certificates to solicitors? No comment
19.1	Do you support the proposal that PALT should incorporate rigorous assessment? Do you have any views on the parameters for this requirement? No comment
Clinical legal education	

20.1	Do you support the Committees considering options for the inclusion of clinical legal education as a component of PLT? No comment
20.2	If introduced, should clinical legal education be a mandatory component of PLT or an optional extra for students to undertake? If clinical legal education is a mandatory component of PLT, should students be entitled to credit for clinical legal education undertaken as part of a law degree No comment
20.3	If clinical legal education is optional, should completion of clinical legal education satisfy the requirements for PALT? No comment
20.4	Who should be responsible for delivering and supervising clinical legal education? No comment
20.5	Do you support the Committees inviting a working group comprising suitably qualified educators/experts to explore how clinical models of legal education could be employed as part of PLT? No comment
Supervision of early career lawyers	
21.1	Do you think there is a need for additional guidance to supervisors of early career lawyers, to improve supervision? No comment
21.2	Do you support legal profession regulators establishing a working group to develop additional guidance and resources for supervisors of lawyers as part of their supervised legal practice and consider potential regulatory reforms? No comment

Implementation timing	
22.1	Do you support the proposed transitional arrangements and implementation timeframe set out at Proposal 22? No comment