

Feedback Form: Review of practical legal training

Respondent details

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Organisation (if applicable): ___Deakin Law School_____

Contact details: _____

Are you responding as (select one):

- ☐ Individual
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- ☐ 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? Deakin Law School (DLS) does not support this proposal, for the following reasons: • There is a degree of overlap between the list of skills in Appendix F, and the existing teaching requirements set out in the Priestley areas of knowledge and the LACC Statement on Statutory Interpretation; • A number of the skills in Appendix F do not lend themselves to academic instruction and assessment; • The Law School is best at teaching knowledge, and related intellectual skills, and while some of the skills in Appendix F can be taught in this manner, they are likely to be better taught in an institution that is more oriented towards practical instruction; • The Law School does not have a staff profile well-suited to teaching some of the skills in Appendix F; • Creating a new list of requirements for the Law degree creates additional complexity for university RPL frameworks. The core mission of a university is the creation and dissemination of knowledge. The delivery of the compulsory law curriculum, as it currently stands, is located within this mission: the focus is on the prescribed areas of knowledge, and on associated intellectual skills such as statutory interpretation, case analysis and legal argumentation. Some of the skills set out in Appendix F reasonably fit within this academic mission. Of those, some appear substantially to overlap with, or to duplicate, existing requirements in the prescribed areas of knowledge, particularly in relation to Ethics and Professional Responsibility: • Ethics (i) <i>Understand the nature of the legal profession – tradition, duties, obligations, and responsibilities to the court, clients, the profession and the community (including the provision of pro bono assistance)</i> • Ethics (ii) <i>Ability to identify and address a possible conflict of interest</i> • Ethics (iv) <i>Understand appropriate methods of charging and billing for legal work</i> • Ethics (v) <i>A basic knowledge of the principles relating to solicitors holding money on trust</i> • Ethics (viii) <i>Knowledge of the nature of claims made against lawyers and of methods to manage risk</i> Similarly, Legal Research (i) <i>Ability to locate a provision in State/Territory and Federal legislation, and identify relevant Parliamentary materials and case law for that provision</i> overlaps with the LACC Statement on Statutory Interpretation.

	Duplication of these matters that fall within the prescribed areas of knowledge and within the teaching of statutory interpretation, within a new list of required skills, risks confusion and unnecessary complication in the law course accreditation framework. While we certainly acknowledge that the development of practical competencies is part of legal education, the adequacy of a law course's teaching of these skills is already covered in the existing accreditation process. Some of the other skills set out in Appendix F are also already part of the DLS law courses: providing advice (Communication (ii), Ethics (iii)), undertaking legal research (Legal Research (ii)), and engaging in oral presentation of legal argument (Communication (v)). However, some of the skills set out in Appendix F do not obviously fit within a course of academic study, as they are not concerned with acquiring knowledge and associated intellectual skills. Examples include: • Communication (iv) <i>Ability to engage in professional communication with other legal practitioners</i> • Court processes (ii) <i>Understand when and how it is appropriate to communicate with a judicial officer in a court matter</i> • Client relationship (i) <i>Understand the need to know, relate to, and service the needs of clients, doing so in a practical way taking account of the client's characteristics, financial position and objectives</i> Related to the previous point, some of the skills set out in Appendix F do not readily lend themselves to assessment in an academic context. Examples include: • Record-keeping and matter management (i) <i>Understand the importance of organising and maintaining a file for each matter</i> • Record-keeping and matter management (ii) <i>Understand the importance of creating in a timely manner and keeping written records of interactions with clients and of all steps taken in any matter</i> • Record-keeping and matter management (iii) <i>Understand the importance of keeping the client informed in a timely manner of all significant developments in a matter</i> • Record-keeping and matter management (iv) <i>Ability to manage time and to prioritise tasks effectively, taking account of the need to ensure that costs charged to clients are reasonable and proportionate</i> • Ethics (vi) <i>Knowledge of the mental health and substance abuse issues that disproportionately impact the legal profession</i> • Ethics (vii) <i>Exposure to techniques to build resilience, flexibility, an ability to deal with uncertainty, to adapt to change and to cope with stress</i> Even where skills do lend themselves to instruction and assessment within an academic context, if the goal of teaching skills is to ensure appropriate and adequate <i>practical</i> training for law graduates and new lawyers, the university is not necessarily the most suitable institution to teach these skills. Given the nature of university coursework and assessment regimes, the orientation of university teaching is towards knowledge and intellectual skills. University
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	assessment regimes tend towards reasonably granular grading based on the extent to which the work demonstrates knowledge and intellectual ability. The teaching of a number of the skills set out in Appendix F seems like it may be better undertaken in institutions that adopt a more competency-based approach to delivery and assessment. The orientation of university teaching towards knowledge and intellectual skills is also a consequence of the qualifications and experience of university academic staff. Academic staff are hired on the basis of their demonstrated mastery of particular areas of law (most commonly evidenced by holding a PhD), as teachers and/or researchers. Furthermore, recent changes in Australian workplace law, that have enhanced opportunities for secure academic employment, have also reduced the flexibility possessed by DLS (and other parts of the University) in relation to hiring of teaching staff. These changes have had significant effects on the Deakin University workforce profile: there has been a significant reduction in the employment of casual staff, and the employment of both casual and fixed-term staff has been made subject to considerably stricter regulation. These changes mean that, where existing academic staff do not have the necessary familiarity or practical experience to teach some of the more practice-oriented skills set out in Appendix F, it is not feasible to simply retain an experienced legal practitioner to teach on a sessional basis. More fundamental changes in the Law School's workforce, which would not be easy to achieve, would be required. Just as one illustration of the relevant practical difficulties, an experienced legal practitioner who does not have a PhD may be unlikely to be attracted by the remuneration available at an academic level that does not require a PhD as a condition of appointment. A final point is that the introduction of an additional, very detailed and prescriptive list of requirements for the Law degree, that graduates must have been taught, will introduce additional complexity and risk into arrangements for the recognition of prior learning (RPL). Australian law schools already devote considerable administrative effort to ensuring that, when students move from one to another institution, they are granted appropriate RPL (in accordance with university and national guidelines) so as to not create any gaps in the students' study of the prescribed areas of knowledge. Introducing a new suite of core requirements, which would then need to be tracked and accounted for in RPL decision-making, would both create new administrative burdens and have the potential to significantly reduce student mobility between universities (given the importance of the award of RPL in facilitating that mobility).
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? Please see the response to 1.1 above. The introduction of a new, very detailed and prescriptive list of compulsory components in Australian Law courses will complicate the curriculum design, accreditation and teaching of those courses in the ways described above.

	A possible alternative pathway would be to identify which skills are already inherent in the delivery of the current compulsory curriculum, and to note those as part of a mapping of the skills that Australian Law graduates obtain.
1.3	Would law schools be able to implement these changes by the beginning of the 2028 academic year, as proposed? In the case of DLS, implementing these proposed changes by the beginning of the 2028 academic year would pose a significant challenge. The usual timeline for major curriculum change – in this case, changing learning outcomes at the unit and course level, introducing new assessment tasks, and potentially need to introduce new learning activities or even new units – is 12 to 24 months, depending on the extent of change and progress through University committees that the Law School does not control. There would also be a potential need for complex and difficult staffing changes, as explained in the answer to 1.1.
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? DLS is not a PLT provider. However, DLS is familiar with the challenges that arise in creating and maintaining a high quality and contemporary legal education curriculum within the constraints imposed by a very detailed and prescriptive list of prescribed elements (ie the Priestley prescribed areas of knowledge). If there is to be a change in the accreditation standards for PLT, it may be better to adopt a more principles-based or high-level competency-based approach, rather than the very granular approach adopted by Appendix F. The granular approach has the effect mentioned in the previous paragraph, of limiting the capacity of providers to develop and innovate in their offerings. It also privileges the particular skills that appear on the list, which detracts from a more holistic approach to the learning of practical legal skills.
2.2	Do you suggest any amendments to the categories or skills set out in the skills schedule at Appendix F? Please see the response to 2.1 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 (ii) seems to already be covered by the requirements that University's impose on their students as part of the Respect. Now. Always. agenda that is being overseen at a national level. Item (iv) is already an aspect of the Priestley elements for Civil Procedure, and so seems better addressed through that existing framework rather than by adding a new detailed element to a prescriptive list. Items (v) and (vi) are important legal skills, but it may not be necessary to expressly call them out in a detailed list. There may be a more general and principles-based way to articulate the necessary threshold for skills to be obtained by those completing PLT. Item (iii) seems very specific, and it is not clear why it would be addressed ahead of other rules that might govern the ways in which lawyers deal with funds. Item (i) is important, but there are many ways to address it. There should also be consideration of the skills necessary to properly support Indigenous clients and Indigenous people more generally in their interactions with the Australian legal system.
2.4	Should the option for graduates to undertake Supervised Workplace Training as a way of completing PLT be retained? DLS has no response to this question.
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? DLS has no response to this question.
2.6	Should there be any other amendments to Supervised Workplace Training? DLS has no response to this question.
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? DLS does not support this proposal. The implications of this change, for the viability and the quality of PLT delivery, need much greater consideration. Of particular concern to DLS is the potential implications of this change for the status of PLT as an AQF award, and hence for the availability to students of FEE-

	HELP. DLS teaches and graduates students from a very diverse range of backgrounds, including diverse economic backgrounds. For many of these students, access to FEE-HELP to support their education is necessary for them to be able to access education and training.
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? DLS has no response to this question, other than to note that the duration of a course of study should be determined subsequent to a decision as to what is to be taught, and how it is to be taught and assessed.
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? Please see the response to 3.1 above. DLS does not support any change to PLT delivery that would reduce the availability of FEE-HELP to students.
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? DLS is not in a position to suggest detailed safeguards. However, the implications of creating a system of provider regulation, in parallel to that which is administered by TEQSA, are very significant. To establish regulation that is comparable to that which is undertaken by TEQSA would be a very large undertaking, and would demand a new range of expertise and impose a very significant suite of new burdens on accrediting bodies.
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? DLS does not support this proposal. DLS, as part of Deakin University, is committed to education of remote and regional students. This has been a core mission of the University since its establishment. Part of the rationale for establishing Deakin University was a recognition that remote and regional students will not have fair access to education and career opportunities, if those opportunities are only available in the capital cities. As part of Deakin University's mission, DLS has been a pioneer in the delivery of high-quality online legal education. Implicit in this proposal is an assumption that online education is inferior. DLS rejects that assumption. Quality is important, but there is no particular nexus between <i>quality</i> and <i>mode of delivery</i>.

	Furthermore, treating online delivery as an 'exception' risks excluding large numbers of Law students, including large numbers of DLS graduates – those located outside capital cities – from access to PLT. Requiring these graduates to relocate to Melbourne (or another capital city) in order to undertake their PLT would be a very significant setback to fair access to legal education and legal careers.
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? DLS has no response to this question.
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? DLS has no response to this question.
Workplace experience	
7.1	Do you support the LACC retaining the requirement for a minimum of 15 days of workplace experience prior to admission? DLS has no response to this question.
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? DLS has no response to this question.
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? DLS has no response to this question.
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? DLS has no response to this question.
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?

	DLS has no response to this question.
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? DLS would support amendments to the Standards which would increase the flexibility available to students to undertake workplace experience, and to PLT providers in approving and certifying that experience.
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? DLS has no response to this question.
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? DLS has no response to this question.
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. DLS has no response to this question.
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? DLS has no response to this proposal.
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? DLS has no response to this proposal.
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? DLS has no response to this question.

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? DLS has no response to this proposal.
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? Please see the response to 5.1 above
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? DLS has no response to this proposal.
19.1	Do you support the proposal that PALT should incorporate rigorous assessment? Do you have any views on the parameters for this requirement? DLS has no response to this proposal.
Clinical legal education	
20.1	Do you support the Committees considering options for the inclusion of clinical legal education as a component of PLT? Clinical legal education is an important component of legal education in Australia. It is recognised as being a very demanding and resource-intensive mode of delivery, as it requires significant facilities beyond ordinary higher education teaching spaces, requires specialised teachers able to straddle the professional/academic divide, and has very generous staff-student ratios, due to the need for careful supervision of students by clinical teaching staff. The provision of clinical legal education within the university context is able to draw upon the resources, and broader capacity, of the University to support these requirements. Universities have the infrastructure, and the expertise in delivering a variety of programs, to make this feasible. Expending PLT provision to include clinical legal education would put significant new demands on PLT providers, which they may not have the same capacity to manage.
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 For the reasons given in response to 20.1, DLS does not support clinical legal education as a mandatory component of PLT. If it were to be component of PLT in some form, Deakin Law School would support recognition of prior learning (advanced standing/credit) for clinical legal

	education already undertaken as part of a law degree. This is consistent with the general framework for RPL in the Australian higher education sector. However, this does raise additional concerns with attempting to integrate clinical legal education and PLT: namely, the risk of creating a “two-tiered” PLT requirement depending on whether or not law students have the opportunity to undertake clinical legal education during their law course. Not every law student has this opportunity, for a variety of reasons including that there may be a limited number of places in the clinical units offered by law schools.
20.3	If clinical legal education is optional, should completion of clinical legal education satisfy the requirements for PALT? DLS has no response to this proposal.
20.4	Who should be responsible for delivering and supervising clinical legal education? DLS’s view is that the delivery and supervision of clinical legal education best sits within universities, for the reasons given in response to 20.1.
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? A working group of this sort would be best as a component of an overall review of how legal education is delivered in Australia. For the reasons given in response to 20.1, it would not be appropriate to consider such a significant and demanding change to the way that PLT is delivered, outside of the broader context of such an review.
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? DLS has no response to this question.
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? DLS has no response to this question.
Implementation timing	
22.1	Do you support the proposed transitional arrangements and implementation timeframe set out at Proposal 22? DLS does not support the implementation timeframe set out at Proposal 22. As noted above in the response to 1.3, implementing significant curriculum

	changes, and associated changes in academic resourcing, by the beginning of 2028 present significant challenges: • The timelines, with the University curriculum governance framework for changes to unit learning outcomes, course learning outcomes, unit assessment arrangements and unit delivery arrangements, are lengthy. • The timelines for introducing and resourcing changes to academic staff, and to teaching facilities (where required), are also extensive. In relation to both categories of change, these changes are not under the sole control of DLS. They require negotiation with other parts of the University, and in the case of resourcing, factor into complex institution-wide processes for planning and managing budgets. As noted in response to 1.1, changes to staffing practices and workforce design in the Australian higher education sector also create additional challenges for the staffing component of resourcing. These changes place significant limits on the capacity of the University to engage staff on a sessional or fixed-term contract basis. This means that any changes to staffing necessary to implement the proposals are likely to require changes in the profile of ongoing staff. The Law School would not be able to make those changes (eg appointing new staff) quickly and without going through complex decision-making processes involving many other University stakeholders. DLS also suggests that more work is needed in relation to transitional arrangements. If both Law course design and PLT design change simultaneously, there will be students who have completed their Law course under the existing model, but progress into PLT under the new model. Developing an appropriate teach-out approach for existing PLT arrangements will be a complicated matter, most likely requiring significant consultation and cooperation among universities and PLT providers.
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