

Feedback Form: Review of practical legal training

Respondent details

Name: Jeff Giddings

Organisation (if applicable): Faculty of Law, Monash University

Contact details: [REDACTED]

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? No. Designing and implementing the required changes would take resources that law schools do not have. Requiring the new skills development coverage in law degrees to be focused on units that students undertake to satisfy the Priestley 11 subject areas is not necessary or appropriate. If such changes are to be made, it would work better for law students and law schools to have scope for skills development in units specifically designed for skills development. This includes smaller student numbers enabling a more active form of learning. It is not clear whether these proposed changes would require face-to-face classes. Law schools and their universities have invested heavily to develop the expertise and infrastructure to deliver various forms of digital education and this strength should be harnessed to complement face-to-face delivery. It is not clear that accrediting bodies have the authority to prescribe law schools coverage of skills and the use of assessment arrangements when these are not part of the Schedule 1 knowledge areas.
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? It would be more effective to identify learning outcomes that need to be achieved by students. Such learning outcomes could take account of the evolving nature of legal practice. The Threshold Learning Outcomes developed for law degrees in 2010 as part of the Learning and Teaching Academic Standards Project provide a useful starting point for such work. The Appendix F skills schedule appears focused on commercial law and litigation. In order to reflect the breadth of modern legal practice, the coverage and assessment tasks should address contexts including regional and rural practice, government and regulatory work, public interest law, community law, and technology-enabled practice. I support the recognition of the need for applicants to demonstrate skills relating to the responsible use of technology. The development of reflective practice skills enables lawyers and other professionals to learn how to learn from experience. Legal educators such as Michele Leering and Susan Brooks have developed frameworks that could be used to emphasise learning through reflective practices. Other disciplines such as medicine and social work have well-developed models of reflective practice that could be tailored to law.

1.3	Would law schools be able to implement these changes by the beginning of the 2028 academic year, as proposed? No. Law schools should be given 3 years to implement the changes that are ultimately agreed to. Curriculum change in Australian universities benefits from engagement with faculty and university governance processes and TEQSA requirements. Time will also be needed to design appropriate learning activities, plan for effective delivery as well as recruit and develop appropriate staff.
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? Reducing the detail in the competency standards would be a step forward. The coverage of knowledge and skills should be directed to graduate achievement of specified learning outcomes. The Committees could very usefully develop such learning outcomes that could then be used as the framework for developing the design and delivery of PLT.
2.2	Do you suggest any amendments to the categories or skills set out in the skills schedule at Appendix F? Working effectively with others (including leadership) should be included. Critical thinking and problem solving should also be included.
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? All these areas are important in the development of effective, ethical and reflective practitioners. They should be addressed in the skills schedule, including in providing the context for assessment items. Skilful negotiation and understanding how to manage conflict should be recognised as foundational to the work of responsible practitioners.
2.4	Should the option for graduates to undertake Supervised Workplace Training as a way of completing PLT be retained? Yes.
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?

	The structuring of SWT could usefully be considered by the committee contemplated in Consultation Question 21.2.
2.6	Should there be any other amendments to Supervised Workplace Training? The structuring of SWT could usefully be considered by the committee contemplated in Consultation Question 21.2.
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. Shortening PLT from 450 hours of coursework to the 5 weeks (200 hours) referred to in this consultation question will not enhance the preparation of graduates to enter legal practice. The challenge is to make PLT more engaging and capable of being tailored to the particular areas and types of work relevant to graduates undertaking PLT.
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? Too short.
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? The reform proposals are wide-ranging and will impact on all stages of legal education at a time when higher education is being transformed by the use of generative AI. These circumstances make the role of education-focused regulation all the more important. Removing the graduate diploma requirement raises consumer protection concerns. It is not clear how the quality of non-university PLT programs and compliance with standards would be assured if TEQSA is no longer involved. There is a clear need for an alternative form of well-resourced regulation. Professional accrediting bodies may not have the capacity to monitor program performance.
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? I do not support this current proposal. New quality assurance measures would need to be developed.
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? I do not support confining online delivery to exceptional circumstances. Online delivery has an important part to play in the delivery of PLT, just as it does in many

	forms of legal practice. Well-designed synchronous online delivery can make an effective contribution to graduates developing practical legal skills. Requirements that all PLT learning be done face-to-face also raise significant equity concerns for rural and regional graduates. Where technology is available to enable the participation of rural and regional students, it should be harnessed. For them to have to travel to a state or territory capital for a mandatory face-to-face 4-week PLT program would involve a range of significant costs (accommodation, transport) and challenges associated with time away from employment and family commitments.
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? Yes. The Standards should be reviewed.
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? This should be considered as part of the review envisaged in Consultation Question 6.1.
Workplace experience	
7.1	Do you support the LACC retaining the requirement for a minimum of 15 days of workplace experience prior to admission? Yes. Further, opportunities should be developed that enable graduates to learn through structured reflection on their workplace experience through discussion session that form part of their broader PLT Program.
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? Yes. The Early Career Lawyer Capability Framework developed by the Victorian Legal Services Board and Commissioner provides a valuable starting point for developing this guidance. Supervisors and supervisees need to be effectively prepared in order to make the most of the supervision relationship. Effective and intentional supervision of students safeguards the interests of clients and provides the structures that support and constructively challenges the graduate. The <i>Best Practices in Australian Clinical Legal Education</i> Report identified the following qualities that support effective supervision practices in CLE. Supervisors should: (1) be able to fulfill the roles of teacher and practitioner; (2) be available to students, whether face-to-face or through use of technology; (3) be approachable; (4) model constructive working relationships;

	(5) provide feedback and constructive criticism; (6) be adaptable and flexible in maintaining a constructive and student-focused approach; (7) communicate effectively; and (8) be self-evaluative and accept evaluation by students and peers.¹
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? Yes.
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? Yes.
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? Yes.
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? Yes. In view of the value that students and graduates attach to workplace experience, greater guidance would assist learners, supervisors and PLT providers. Both PLT providers and supervisors should play a role in certifying that appropriate work experience has been undertaken.
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? Yes.
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? I support the views of the two-thirds of supervisor respondents to the national survey who agreed that there is a need for curriculum-based training for early career lawyers. Four days of additional structured CPD training across 2 years is not a significant amount. More training should be required, especially given the proposed reduction in the length of PLT programs.

¹ Evans et al, *Best Practices in Australian Clinical Legal Education*, (2013) Office for Learning & Teaching, Australian Government.

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. Yes.
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. Barristers should be required to undertake PALT tailored to their development. Barristers are unlikely to have the benefit of developmental supervision such that PALT and other forms of professional development should be required.
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? Yes.
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? Some should be practice area-specific while others should be focused on the development of particular skills. Supervised practitioners should be required to complete a mix of PALT sessions.
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? Effective supervision that has a focus on practitioner development should be the cornerstone of the supervised legal practice period.
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? I refer to my response to Consultation Question 6.1 in relation to equity concerns for rural and regional graduates.
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? Yes.
19.1	Do you support the proposal that PALT should incorporate rigorous assessment? Do you have any views on the parameters for this requirement? Yes. The assessment needs to be framed to meet the learning outcomes that are set for PALT.

Clinical legal education	
20.1	Do you support the Committees considering options for the inclusion of clinical legal education as a component of PLT? Yes. Time spent learning in a well-structured clinical legal education program is valuable in developing effective, ethical and reflective professionals. Clinical supervisors focus on developing the skills and professional identity of their supervisees. Clinical and other experiential learning methods are used extensively in the development of practitioners in most professional disciplines. There are substantial clinical legal education programs operating in some Australian law schools that involve close supervision of students providing authentic legal services to clients in ways that enable the development of effective, ethical and reflective professional practice skills. Australia features prominently in the extensive scholarship on global clinical legal education. Australian clinical legal education is recognised for its strong social justice focus, systematic approach to student supervision and engagement with technology to foster the development of effective, ethical and reflective professionals.² The use of clinical pedagogy is important given the limited capacity of PLT students to make a significant contribution to the work of the legal practice hosting them for their 15-day workplace experience. Such a period is arguably too short for host practitioners with a range of client and business responsibilities to engage deeply with each PLT student. The links between clinical legal education and the 15-day workplace experience also require attention. These experiences should be recognised as complementary. Externships (where the learner works with a supervisor within a host organisation) are recognised as a valuable model of clinical legal education. Clinical methods are very well suited to student development of the skills outlined in Appendix F.
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 Mandating a clinical experience would be both valuable and expensive. The history of Australian clinical legal education shows the potential of collaborations involving law schools, community legal centres, legal aid service providers and funders, the practising profession and the judiciary. My PhD research considered the factors that influence the sustainability of clinical legal education programs. I argue that the supervision arrangements in

² Jeff Giddings & Anna Cody, 'Clinical Legal Education in Oceania: The Distinctive Features of Australian Clinical Legal Education' in Jeff Giddings (ed) *Global Clinical Legal Education* (2025, Routledge) 293-300.

	effective clinical legal education programs enhance student learning in ways that should be recognised by regulators.³ Students should be entitled to credit for clinical legal education undertaken as part of a law degree.
20.3	If clinical legal education is optional, should completion of clinical legal education satisfy the requirements for PALT? No.
20.4	Who should be responsible for delivering and supervising clinical legal education? Much will depend on the nature and purpose of the clinical legal education being undertaken. Where the clinical legal education involves direct work with clients, graduates should be supervised by suitable legal practitioners who also possess teaching skills and experience. Where the clinical legal education involves research or related project work without direct work with clients, graduates should be supervised by suitable professionals with skills and experience relevant to the learning outcomes specified for the students. Where the clinical legal education involves community legal education without the provision of direct advice to clients, graduates should be supervised by suitable professionals with skills and experience relevant to the learning outcomes specified for the students.
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? Yes. A working group should be able to assist the LSC and LACC to explore how clinical legal education might most productively contribute to PLT.
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? To make the most of learning on the job, newly-admitted lawyers can benefit from well-developed reflective practice frameworks, developing the ability to learn from their experiences. Fifteen days of relatively unstructured PLT workplace experience is unlikely to provide sufficient opportunities for the development of reflective practices.

³ J. M. Giddings, 'Influential Factors in the Sustainability of Clinical Legal Education Programs' <https://research-repository.griffith.edu.au/server/api/core/bitstreams/8c021105-0d92-5dc3-b108-fc6981f1b54a/content>

	At page 14, the Discussion Paper notes Lawcover concerns that some early career lawyers are not being closely supervised. This is particularly an issue where remote working arrangements are being used. Close supervision of emerging professionals needs to be designed to support quality legal services as well as to develop the skills and professional awareness of the supervisee (what the DP usefully identifies as supervisors have ‘an opportunity to mentor and teach early career lawyers’). This requires effective preparation of both supervisors and supervisees. In its 2026 Risk Outlook, the VLSBC identified the serious risks generated by supervisory failures, impacting on law practices, their employees and their clients.⁴ The VLSBC notes one significant risk is the potential exposure of clients to serious harm caused by incompetent, unethical or unqualified legal advice. Failure by the principal to fully understand what legal work is being done, and for whom, also heightens the risk that a law practice will be used by employees of the practice to facilitate fraudulent activity. The clinical legal education field can contribute valuable frameworks for enhancing the supervision of junior practitioners. I developed a range of resources as part of a National Teaching Fellowship in 2014 focused on Effective Law Student Supervision Practices. I also commend the 2018 PhD thesis of Dr Michael McNamara, ‘Towards Effective Supervision for the Legal Profession: A Focus on Supervised Practice’.⁵ Dr McNamara’s thesis was the foundation for his 2020 book, <i>Supervision in the Legal Profession</i>, published by Springer.
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? Yes.
Implementation timing	
22.1	Do you support the proposed transitional arrangements and implementation timeframe set out at Proposal 22? No. More time will be needed to enable constructive consultation in the interests of making changes that enhance the development of skilled, responsible and reflective legal practitioners who serve the courts and clients effectively. TEQSA approval will also be required. The changes being expected of law schools and PLT providers are significant and there will be transition arrangements to be worked through. It is likely that many law schools will face challenges to have changes to their curricula approved for 2028 and have staff with suitable experience available to teach the wide range of practice skills identified as important to graduates. This concern is reinforced by

⁴ <https://lsbc.vic.gov.au/lawyers/risk-outlook/risk-outlook-2026>

⁵ Available from the Griffith University Library - <https://research-repository.griffith.edu.au/server/api/core/bitstreams/745ab32c-d50e-4851-a419-dbc543f056a0/content>

Please note that I was one of Dr McNamara’s PhD supervisors.

	the sensible resolution to pause implementation of the updates to the Law School Accreditation Standards arising from the LSC-LACC review until recommendations from the PLT review of are finalised, to avoid law schools needing to adjust their law course delivery twice. Some law schools will also face issues in relation to hiring academics with the range of skills required to teach and assess the skills that students will be expected to develop. I endorse the value of admission and licensing requirements being similar across all states and territories. This is pivotal to the success of the mutual recognition arrangements under the legal profession legislation and the <i>Mutual Recognition Act 1992</i> (Cth). At page 7, the discussion paper makes clear the importance of uniformity in any reforms to PLT and law degrees. A range of adverse consequences may arise including unnecessary confusion for students, forum shopping, disrupting mutual recognition arrangements as well as cost implications for providers developing multiple programs.
--	---