

LSC/LACC Consultation Paper: Review of Practical Legal Training April 2026.

Submission by Flinders Law School May 2026

Flinders Law School welcomes this opportunity to provide submissions in response to the Consultation Paper regarding the proposed Review of Practical Legal Training.

Flinders Law School has had the benefit of reading the responses to this consultation from the Legal Practitioners Education and Admission Council South Australia and from the Council of Australian Law Deans, and strongly supports the submissions made in those documents.

Flinders Law School makes the following additional comments.

1. Safeguarding the rule of law

High-quality legal education is not simply a pathway to admission; it is a core safeguard of the rule of law. Developing practitioners who are competent, ethical and adaptable—who understand the constitutional role of the profession, the obligations owed to clients, courts and the community, and the standards that maintain public confidence—strengthens the integrity and sustainability of our legal system. It is also essential to building stronger communities, by underpinning trust in public institutions, fair decision-making, and equal protection of rights.

Flinders Law School welcomes a review of the spectrum of legal education to ensure it remains fit for purpose now and into the future. We support examination of academic areas of knowledge required for admission (the ‘Priestley 11’), practical legal training, post admission legal training and continuing professional development.

However, progressing significant reform across all these domains at once is a substantial task, and warrants cautious, staged consideration about priorities, sequencing and implementation.

2. Equity of access, diversity and representation

Ensuring that pathways into the legal profession remain accessible and affordable is essential to equity, to broadening participation, and to maintaining public confidence that the profession is open to talent from all backgrounds.

Like many law schools in Australia, Flinders Law School is proud of the diversity of its student cohort, which is critical to equity of access to legal education and to improving diversity and representation in the legal profession over time. Many of our students and graduates are the first in their family to attend university; many come from low- to medium-socio-economic status postcodes; a significant proportion are adult entry students; and increasing numbers of our Australian domestic students speak a language other than English at home. (We have only small numbers of international students). Some of our students live with disability. Many of our

students face financial challenges and do not have significant family or other economic support. Intersectionality multiplies the impacts of these issues.

For many in this cohort, cost is a decisive factor in whether legal education—and the transition from study to admission—is realistically achievable. If students undertaking PLT are no longer eligible for FEE-HELP, this risks creating a financial barrier that some will be unable to overcome.

In practical terms, this is likely to disproportionately affect students from low-income backgrounds, first-in-family students, and those with disability, caring responsibilities or limited capacity to take on additional paid work. This would undermine equity of access to legal education by narrowing the pipeline from university study to admission and would work against efforts to build a legal profession that reflects the communities it serves.

South Australia already experiences very significant challenges in attracting and retaining legal practitioners to rural, regional and remote areas. Students from those areas already have to move to the city to study (with the consequential costs involved), or study online. Anything that creates further obstacles to legal practice for those either from the regions or those working in them is likely to have a detrimental effect on the accessibility of legal services for those outside the Adelaide metropolitan area.

Minimising financial barriers by maintaining delivery of PLT as an AQF-aligned qualification should therefore be treated as a matter of fairness, workforce sustainability, and the public interest.

3. Evidence-based and research driven

Any project to reform legal education must be evidence-based and should be informed by the relevant educational research and literature—particularly scholarship on learning theories, authentic assessment, curriculum design and professional skills development.

Consultation should include not only the profession and regulators but also specialist educational expertise to ensure proposed changes are feasible, pedagogically sound, securely assessed, and capable of being implemented and quality-assured at scale. Accessing that expertise early will support clearer problem definition, more realistic implementation planning, and more robust evidence about what is, and is not, working as reforms are rolled out.

4. Skills descriptors

Agreement about which skills are required of law graduates is critical. We support LPEAC's statement that 'a clear and objectively measurable statement of the skills and capabilities that are required at the point of admission' is a crucial starting point. This allows for skills to be appropriately initiated, scaffolded, developed and refined across the legal education spectrum.

Flinders' law degrees have always included practical skills, taught and assessed in ways that are integrated with doctrinal learning rather than treated as an add-on at the end of students' studies. Embedding skills across the degree allows scaffolded development, opportunities for practice and feedback, and building professional judgment over time. It also better supports

equity of access by ensuring that all students, including those without prior legal work experience or professional networks, have exposure to learning these skills.

However, the level at which specific skills can be taught and assessed will necessarily depend on where students are in their degree and how much foundational legal knowledge they have acquired. Learning a skill once in the first year of legal studies as an introductory exercise is very different from revisiting and extending that skill later, and different again from the standard expected in practical legal training or on entry to work after admission, where it is applied in more complex, time-pressured and practice-authentic contexts with higher expectations of professional judgment and risk awareness.

Adopting overly specific descriptors as in Appendix F (for example, prescribing particular document types, narrowly defined scenarios, or fixed task formats) risks encouraging compliance-driven box-ticking approaches to teaching and assessment, rather than genuine capability development. The skills listed in Appendix F also reflect a bias towards litigious practice. Greater consideration should be given to skills required in commercial practice and other areas. Articulating skills at a higher level better accommodates the diversity of contemporary practice settings and allows for design of authentic learning activities relevant to local practice needs while still meeting nationally consistent threshold expectations.

This need for generality is particularly acute given the pace of technological change in legal practice, reshaping how core legal work is performed. Generative AI tools have amplified both the opportunities and risks for all lawyers, especially those at the beginning of their careers. As the Consultation Paper recognises, responsible use of AI now forms part of the capability landscape for new lawyers. Overly granular skills frameworks can become obsolete and reduce flexibility. A more general skills schedule would be more future-proof: allowing the specific tasks, technological tools and contexts through which those capabilities are taught and assessed to evolve.

Determining the appropriate level and wording of those higher-level skill descriptors should be the subject of comprehensive consultation. That process should include universities and legal education experts, admitting authorities and regulators, the profession across firm sizes and practice types (including government, in-house and community legal sectors), insurers and risk managers, and representatives of students and early career lawyers. It should also identify and recognise the unique needs of smaller jurisdictions such as ours.

5. Timeline for implementation

Course, curriculum and assessment approval pathways and accountability measures are essential safeguards for educational quality and for students' interests.

It is important to recognise the lead times required to implement curriculum and assessment change within universities, including at Flinders. Even where there is a strong policy imperative, changes must be scoped and designed, mapped against the Australian Qualifications Framework and the Higher Education Standards Framework, consulted on within the School and College (and with students where appropriate), resourced, and then progressed through a university's formal academic governance processes for approval. Depending on the scale of the change, this typically involves review and endorsement through relevant College education

committees and, for more substantial program-level amendments, approval through University-level academic governance (including Academic Senate processes). In practice, this work is also tied to Flinders' annual curriculum and course publication cycles and requires detailed transition planning, meaning that significant reforms commonly require many months from initial design to approved implementation, particularly where they affect staffing, work placement capacity, assessment security, or external/professional requirements.

At Flinders, these approval pathways and accountability measures help ensure that proposed changes are evidence-informed, coherent across a whole program (rather than fragmented at subject level), properly supported by qualified staff and appropriate learning resources, and subject to scrutiny for assessment validity, security and workload feasibility. They also require clear communication and teach-out and transition arrangements so that students are not disadvantaged mid-degree, and provide a transparent record of decision-making, risk management and compliance with national standards. This governance supports confidence—among students, employers, the profession and regulators—that graduates have met clearly articulated learning outcomes assessed through fair, valid and secure processes.

Implementation in 2028, even of any changes made by mid-2026, is not realistic.

6. Clinical Legal Education - Proposal 6.6

Since 2012, Flinders LLB has embedded clinical legal education via Flinders Legal Centre (FLC), a community legal centre operated by Flinders University. Initially staffed by small numbers of students undertaking elective study, since 2020 clinical legal education has been a core compulsory component of Flinders Law School's curriculum.

Delivering high-quality best-practice clinical legal education is, however, inherently expensive and labour-intensive: it requires low supervisory ratios (at Flinders, no more than 1:8).

While the University contributes to FLC's budget (including some staff salary support), the reality is that this level of authentic, supervised practice-based learning is often not regarded as core university business and thus cannot be sustained on standard teaching funding alone.

This leaves clinical legal education therefore often at least partially reliant on external grant funding—re-applied for regularly and not guaranteed—together with some pro bono contributions by practitioners, all crucial to maintaining the breadth and quality of the clinical experience we are able to provide.

Current cost pressures on community legal centres (university and otherwise) are often acute. Requiring all PLT providers to provide clinical legal education opportunities is not realistic.

7. PLT instruction and pro bono contributions

Flinders Law School recognises the substantial value of pro bono contributions by senior practitioners in supporting the formation of professional identity in students, particularly through supervision, skills coaching, feedback on professional judgment, and the modelling of ethical decision-making and client-centred practice. Such contributions strengthen the profession's collective capability and can materially enrich practice-based training, especially where they

supplement structured programs and widen the range of authentic matters and perspectives available to students.

At the same time, reliance on voluntary participation has practical and legal limits: pro bono support is necessarily discretionary, uneven over time, and cannot be assumed at the scale required for systemic training needs. Further, consistent with principles reflected in guidance on unpaid work under the *Fair Work Act 2009*, arrangements that involve work of a regular, ongoing, or operationally necessary character should be appropriately remunerated, rather than structured as 'voluntary' labour.

Sustainable models of PLT and clinical training therefore need to value and encourage pro bono engagement, while ensuring that core teaching and supervision functions are properly funded and paid.

Concluding remarks

In summary, Flinders Law School supports development of nationally consistent reforms that strengthen the quality, relevance and integrity of legal education generally. This is foundational to safeguarding the rule of law and protecting consumers of legal services, but reforms across the full spectrum of legal education should be approached cautiously and in a staged way. It must be evidence-based and informed by educational research and specialist expertise, and it must respect the timeframes and governance processes required for sound implementation, including clear transition and teach-out arrangements that protect students' interests.

Equity of access to legal education and admission pathways must remain a guiding principle: essential to diversity and representation in the profession. Identification of requisite skills—especially given rapid technological change and the impact of generative AI on legal work—must be supported by comprehensive consultation to ensure the descriptors capture enduring capabilities, address emerging risks, and remain realistic and assessable across diverse practice settings.

Flinders Law School

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