

REVIEW OF PRACTICAL LEGAL TRAINING

To

LAW ADMISSIONS CONSULTATIVE COMMITTEE
LEGAL SERVICES COUNCIL

Law Society Contact

KATE WELLINGTON
CHIEF EXECUTIVE OFFICER

Date

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The Law Society of Western Australia

Level 4, 160 St Georges Terrace, Perth WA 6000 | **Postal:** PO Box Z5345, Perth WA 6831 or DX 173 Perth
Phone: (08) 9324 8600 | **Fax:** (08) 9324 8699 | **Email:** info@lawsocietywa.asn.au | **Website:** lawsocietywa.asn.au

Review of Practical Legal Training

Thank you for the opportunity to comment on the consultation published by the Legal Services Council's Admissions Committee (**LSC AC**) and the Law Admissions Consultative Committee (**LACC**) regarding proposed reforms to the national framework for practical legal training (**PLT**).

Introduction

The Law Society of Western Australia is the peak professional association for lawyers in Western Australia. In preparing this submission, we sought feedback from a range of Western Australian stakeholders across the legal education continuum in response to the reforms proposed.

On 12 May 2026, the Society convened a local roundtable event to discuss the Western Australian experience and to understand the varying perspectives. The roundtable brought together stakeholders including:

- deans of WA law schools;
- all the WA PLT providers;
- representatives from the Legal Practice Board of Western Australia, including the convenor of its Admissions and Registration Committee;
- our Young Lawyers Committee;
- employers/providers of workplace experience;
- representatives from the WA Department of Justice; and
- WA members of the LSC, LSC AC and LACC (as observers).

This event enabled attendees to identify opportunities for improvement, express concerns and identify particular issues that are relevant to WA law students, graduates and early career lawyers.

We also held a discussion session on PLT with other WA legal associations representing particular cohorts of the profession, such as Community Legal WA, Asian Australian Lawyers Association, Society of African Australian Lawyers and Women Lawyers of WA.

The Law Society acknowledges and appreciates the contributions of these stakeholders during the limited consultation period.

Snapshot of WA legal practitioners and early career lawyers

Western Australia is the largest geographical state in Australia, with legal practitioners working in all areas of the state. The state is the third and most recent addition to the Legal Profession Uniform Law, with local regulation and oversight provided by the Legal Practice Board of Western Australia.

The Legal Practice Board's 2024-25 annual report recorded:

- a total of 8,535 legal practitioners with practising certificates in Western Australia
- 592 applicants admitted to practice in that year
- 34 applicants admitted in Western Australia under the mutual recognition scheme
- 5 academic institutions accredited to provide law courses: the University of Western Australia, Murdoch University, Edith Cowan University, the University of Notre Dame and Curtin University
- 4 accredited PLT providers: the College of Law, the Leo Cussen Centre for Law (Western Australia), the Piddington Society and Curtin University – the Institute of Legal Training became the 5th accredited PLT provider in 2025
- 113 accredited CPD providers (QA Providers).

The 2024 National Profile of Solicitors published by the Law Society of New South Wales recorded in relation to Western Australia:

- 61 lawyers identifying as Aboriginal or Torres Strait Islander, representing 0.8% of the WA profession
- 1,185 private law practices
- 83% sole practitioner law practices
- only 4 law practices with 21 or more principals
- 42% of solicitors working in sole law practices
- 63% of solicitors working in the city, 30% in suburban areas, 3% in country/rural areas and 3% overseas.

For early career lawyers (admitted for 5 years or less) the 2024 National Profile of Solicitors recorded a total of 1,894 lawyers in the following locations in WA:

Location	No.
City	1,363
Suburban	423
Country/Rural	34
Interstate	16
Overseas	50
Unknown	8

There are 12 major regional centres outside of Perth with Magistrates Court and District Court registries:

Location	Approximate driving distance from Perth CBD (km)
Albany	420
Broome	2,223
Bunbury	169
Busselton	223
Carnarvon	891
Derby	2,374
Esperance	698
Geraldton	418
Kalgoorlie	593
Karratha	1,526
Kununurra	3,196
South Hedland	1,617

General comments on the reforms and consultation process

The Law Society acknowledges that there are current deficiencies in the structure and delivery of PLT and reform is required to address the dissatisfaction experienced by PLT students and their employers. This view was shared by all participants at our 12 May roundtable, giving us confidence in stating that WA stakeholders as a collective support reform of some kind.

The Society is, however, concerned that the model proposed by the LPAB, LACC and LSC AC falls short of a considered, evidence-based, inclusive and nationally adaptable response to the problems highlighted by responses to the LSC's survey.

Based on the collective feedback received from Western Australian stakeholders, there was general support and consensus on the following issues:

- A review of PLT is necessary and supported in principle, however the proposed reforms are unlikely to achieve the desired outcomes expressed in the consultation paper.
- Although law schools are already moving towards more practical-based assessments, universities inform us they are unlikely to be able to implement the changes proposed by 2028.
- A nationally consistent approach to rules for admission and post-admission experience is desirable, however the unique issues facing particular jurisdictions and practice areas must not be dismissed or diminished in order to achieve that consistency. The country should not be compelled to follow a model developed with the needs of NSW stakeholders in mind simply because NSW decided to proceed without national consensus.
- Reform must be evidence-based, drawing from the actual experience of more representative groups than small sample sizes of students and supervisors. The LPAB and LSC surveys, upon which the recommended model is based, fail to address the complexities of the issues.
- It is premature to propose one model as a preferred “one size fits all” solution. Imposing an inflexible set of mandatory rules with limited exceptions risks stifling innovative programs that deliver benefits to the general community as well as to students.
- The proposals are likely to lead to outcomes that are in opposition to the stated objectives of the reform, namely a reduction in cost of PLT and an increase in the quality of education to prepare law students for legal practice.
- A national review of PLT provides an opportunity for law schools, PLT providers, peak legal professional bodies, regulators, students and the legal profession to collaborate and contribute to improvements to legal education, PLT and supervision as one continuum of education rather than disparate silos. Meaningful consultation is required to ensure all stakeholders have an opportunity to provide data to support a range of options for consideration at the national level.

Western Australian stakeholders identified the following concerns with the reforms generally. These issues are of particular concern to the WA legal education sector, the regulator and the legal profession:

- **Cost of delivery:** The proposals risk increasing the financial burden on law graduates or shifting costs onto employers and, in particular, onto smaller firms with limited capacity to shoulder these costs.
- **Availability:** There are concerns about the capacity of the profession and educators to deliver exclusively practitioner-led, in-person PLT programs in WA. NSW has the highest ratio of lawyers to citizens in the country. Practical challenges for WA universities and PLT providers due to the small size of the WA profession do not appear to have been considered.
- **Accessibility:** Mandating face-to-face requirements creates accessibility barriers to admission for applicants living in regional, rural and remote areas, with caring responsibilities, or from more disadvantaged socio-economic backgrounds. The proposal provides an additional barrier for any First Nations applicants who are required to balance country and kinship obligations.

- Regulation: The practical implications of accrediting PALT providers and supervising PALT practising conditions do not appear to have been considered (what happens, for example, if a practitioner fails a PALT assessment and thereby breaches a practising condition).
- Access to justice: New barristers to entry will have a disproportionate impact on critically undersubscribed areas of law in WA, such as criminal and family law, and a consequent structural impact on access to justice, including outside of metropolitan centres.

The proposed model risks undoing the important work of WA stakeholders to make our profession inclusive and welcoming – open to all bright minds regardless of gender, age, financial situation or socio-economic background. It also risks undermining current initiatives to attract and retain early career lawyers in regional, rural and remote communities, to bring urgently needed practitioners into criminal and family law practice areas and to relieve pressures in the system and serve the unmet legal needs of clients.

We strongly support the suggestion made by the Chair of LACC, His Hon Justice Kunc, at the LSC roundtable for representative bodies on 14 May 2026 to convene a national discussion event (however named). This would bring together national stakeholders to discuss possible models that could achieve the desired outcomes of lowering cost and improving quality, without creating new problems or worsening age-old ones.

Policy development process

As a preliminary issue, the Law Society respectfully suggests that consideration be given to whether the LACC is the appropriate body to resolve the complex issues that are coming to light through this consultation process. The judicial members of the LACC are those at the pinnacle of their legal careers; all highly-respected legal minds, appointed to the bench based on their exemplary conduct and legal skills. As a group, however, the LACC is not representative of the profession as it exists today. For example, the judicial members of the LACC are 100% male, compared to a profession that is 45% male and 55% female (upon the latest data) and are among the highest income earners in the national profession.

To achieve the best possible outcome for the future of our profession, it would be desirable to obtain input from a broader range of stakeholders at the stage of building, testing and evaluating possible models to be put forward for general consultation. The policy development stage of a project of this kind could be expected to include the LSC and LACC as well as peak legal associations, community legal services, First Nations bodies, young lawyers, large and small employers, student representatives, regulators and others to benefit from a variety of perspectives.

We were assured at the roundtable event on 14 May that the LPAB in NSW held lots of stakeholder discussions before publishing the proposed model. We would submit that this is a state-based answer to a national question.

It is clear from the feedback provided to us in WA that the issues with the current PLT framework require a thoughtful, policy-driven response. The Law Society urges the LSC and the LACC to convene a national working group of relevant stakeholders to develop, interrogate and consult holistically on options for reform.

Consultation Questions

We set out below our response to the proposals and questions as numbered in the consultation paper.

Incorporating practical skills in law courses

Proposal 1:

The LACC amends 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 in Appendix F, with rigorous assessment.

- 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?
- 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?
- 1.3 Would law schools be able to implement these changes by the beginning of the 2028 academic year, as proposed?

Response and recommendation

We support in principle increased incorporation of practical skills into law courses. There are obvious benefits to law students learning how to apply theoretical knowledge and research to real situations, whether or not they intend to practise law.

That said, clear expectations will need to be set early on around the standard to which practical skills will be assessed. The quintessential example of embedding practical skills in the Priestley 11 is learning to draft a contract as part of the contract law unit. That sounds fine on its face, but contract law is typically studied early in the degree pathway. Students will have no broader legal context at that stage for learning proficient drafting of even the simplest boilerplate provisions of a commercial contract - having not yet explored subjects such as dispute resolution, conflicts of law, intellectual property and so on. What is expected from the assessment of practical skills when legal understanding is inevitably in its infancy?

A very real issue in WA is the availability of teaching staff who are suitably qualified with recent practical experience in the relevant areas of assessment. Law schools, like all university faculties, are under pressure from their wider institutions to achieve academic targets in areas like research, publication and grant funding. To a greater or lesser extent (depending on the priorities of the university), law schools are staffed by academics with skills and capacity to deliver on these objectives. Law schools will need to find educators who can teach, assess and provide feedback to students on practical aspects of a degree. With a small and overstretched profession in WA, this will be challenging.

Finally, the consultation paper does not address the impact of the reforms on the education of students who will be part way through their law studies in 2028. Law students who are studying part-time over an extended period of years may not graduate out of the “old system” until well into the 2030s.

Reform of PLT – Practical knowledge and skills

Proposal 2:

The LACC amends 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.

- 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?
- 2.2 Do you suggest any amendments to the categories or skills set out in the skills schedule at Appendix F?
- 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?
- 2.4 Should the option for graduates to undertake Supervised Workplace Training as a way of completing PLT be retained?
- 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?
- 2.6 Should there be there be any other amendments to Supervised Workplace Training?

Response and recommendation

We support a simpler version of the PLT Competency Standards. Stakeholders who attended our roundtable generally agreed that the existing Standards are too lengthy and complex.

However, we consider the skills in Appendix F require further consideration and collaboration between legal practitioners and PLT providers to ensure the reformed Standards do not lose important skill areas. The Law Society received feedback that the current list in Appendix F is not sufficiently detailed with respect to areas like drafting skills, legal reasoning and critical analysis, for example. Cross-analysis with the existing frameworks developed by Victoria and Queensland would be a good starting point.

We support the inclusion of the areas in question 2.3 into relevant law courses, PLT delivery and PALT to ensure students obtain an awareness of these issues in theory and practice, regardless of their choice of practice area.

We will not comment on Supervised Workplace Training as it is not applicable to Western Australia.

Reform of PLT – Delivery of PLT

Proposal 3:

The LACC amends the PLT Standards to reduce PLT courses to a minimum four weeks in length, plus up to one week of pre-reading and viewing of preparatory materials.

- 3.1 Do you support the proposal for the LACC to amend the PLT Standards to reduce PLT courses to a minimum of four weeks in length, together with up to one week of pre-reading and viewing of preparatory materials?
- 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?

Response and recommendation

Generally, the consultation paper does not address how the reduction of PLT delivery to a four-week period will increase the quality of the program. We received clear feedback that a four-week intensive program is unlikely to allow sufficient time for digestion, reflection, practice and improvement of skills prior to assessment. Given the emphasis on rigorous assessment, it is difficult to understand how assessments could be administered and meaningful feedback provided and implemented in this short a period.

Proposal 4:

The LACC amends 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.

- 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?
- 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?

Response and recommendation

It is essential that we do not end up with dual PLT tracks in Australia – one for those who can afford to pay, and one for those who cannot.

All other things being equal, a PLT course that is not delivered at a graduate diploma level will be a quicker and cheaper route to admission than a PLT course delivered at graduate diploma level. However, our understanding is that the latter will not be eligible for FEE-HELP.

If this dual-track is introduced, students who can self-fund PLT upfront, or who have gained employment in a large firm that is able to absorb the cost of PLT, will be able to take the less onerous route to admission. Students who need to access FEE-HELP, or who wish to work in smaller practices, community legal services and non-metropolitan practices that cannot cover the cost of PLT, will face a higher barrier to entry. This will have the undesirable impact of making it even harder for smaller law practices (including community legal services and undersubscribed areas of law) and regional, rural and remote practices to attract talented graduates, while also making it harder for those without familial financial backing to enter the profession.

Proposal 5:

The LACC amends the PLT Standards to require that PLT coursework be delivered in person or, in exceptional cases (as determined by the PLT provider), by synchronous online learning.

- 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?

Response and recommendation

We agree there are benefits to face to face learning that are not replicated online. There are also some benefits to online learning that are not replicated in a mandated in-person delivery model. These pros and cons came to the fore during covid, and most education pathways and workplaces have found a happy balance between the two delivery methods in the years that followed.

Aside from satisfaction scores in the surveys, there is no data provided to support the assumption that in-person learning environments **alone** lead to greater student satisfaction. Student learning styles differ; some students may be more engaged in an online learning context, while others may prefer face to face experiences. Like all forms of learning, outcomes will depend on the commitment and interest of the learner, the expertise and engagement of the educator, and the design and implementation of the course.

The consultation assumes causation from correlation without additional evidence. There are few in-person-only courses captured in the survey. It may be that student satisfaction with in-person courses was driven by other factors relating to those particular courses, which would have driven high satisfaction whether the course was delivered in-person, online or via a hybrid model. There was no control group available, making it invalid to draw the conclusion that in-person teaching leads, in itself, to higher satisfaction rates.

The survey questions also do not interrogate the counterfactual position; that is, whether students who chose to undertake PLT virtually would have preferred to, or indeed would have been able to, undertake an in-person course.

The lack of evidence of a causative effect is particularly important due to the likely negative impact of mandating full-time, in-person learning on all PLT students.

We are concerned about the financial burden on PLT students from regional, rural and remote areas who will have to incur accommodation, travel and living expenses in coming to metropolitan Perth for four weeks. PLT providers in WA have confirmed that delivering PLT in-person outside of Perth is financially unviable and will not occur. Students will have to come to the PLT provider.

There are further considerations in respect of the impact on graduates with caring responsibilities, financial responsibilities, and jobs. PLT students working in non-graduate roles (such as paralegals or those not yet working in the profession) will need to ask their employer for a month off work, unpaid, to attend a full-time face-to-face course. They may or may not be granted that leave. They may or may not be able to afford to take it, if they financially support others. In today's market, those who obtain graduate positions after their law degree with an employer willing to support their PLT journey are the lucky ones, not the norm.

Removing the option of undertaking PLT virtually, in the evening, over a period of time, or on rostered days off from work actively discriminates against lawyers with diverse personal circumstances. Statistically, this is most likely to include women, carers, those from lower socio-

economic backgrounds, mature-age students, survivors of family and domestic violence, and First Nations students.

The Law Society urges the Committees not to restrict access to PLT delivery by mandating face to face attendance for everyone. There is no evidence to suggest that this alone will improve quality. Online and hybrid PLT programs that produce positive outcomes for PLT students should not be restricted to exceptional cases. PLT providers should be encouraged to offer a variety of high-quality delivery options for students. If quality is the issue, we need to find ways to improve quality regardless of delivery channel.

Finally, the proposal that a condensed face-to-face course will result in less expensive PLT programs is not evidenced. PLT providers in WA report not having been asked for information about their cost base or any assessment of anticipated cost increases and decreases as a result of implementing the proposals. Providers report that costs such as venue hire and presenter fees will increase with in-person delivery in Perth, let alone regional areas. We would urge the Committees to seek sufficient information from the PLT providers to test its assumption that the cost of delivery will come down under an in-person four-week delivery model.

Proposal 6:

The LACC reviews the PLT Standards to ensure that assessments are rigorous in measuring whether students have developed the required knowledge and skills.

- 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?
- 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?

Response and recommendation

We support a review of the PLT Standards generally.

We also support clear guidelines for the reporting of academic misconduct to ensure consistency in the responses and consequences for students across jurisdictions. That said, in our experience processes and policies for the reporting of academic misconduct apply at an institutional level. Thus, PLT courses delivered by universities may not be able to follow PLT-specific guidelines.

Workplace experience

Proposal 7:

The LACC retains the requirement for a minimum of 15 days of workplace experience prior to admission.

- 7.1 Do you support the LACC retaining the requirement for a minimum of 15 days of workplace experience prior to admission?

Response and recommendation

Noting that the current minimum requirement is 15 days of workplace experience, the Law Society would not support a reduction in the minimum period.

The consultation paper includes various statements to the effect that the survey responses demonstrate the importance of on-the-job learning. This would seem to point toward extending the requirement for workplace experience. Other factors to consider in this regard include the following:

- Employers report that new staff are required to undertake onboarding, which will necessarily reduce the amount of time a graduate spends on meaningful work. If work experience is only 15 days, the proportion of time spent on onboarding is greater and the return for the employer is lower.
- Not all law graduates are employed in the legal sector during their studies. This may be the first and only opportunity for practical work experience.
- If the resources required to train and supervise staff in small to medium sized firms and community legal centres is too burdensome for a 15 day period, this will disincentivise legal practices from offering workplace experience. In WA, where the work experience period is currently much longer, this could drastically reduce the options available to students.
- In an ongoing study in WA, regional employers have provided feedback that graduates are typically not ready for practice at the time of commencing employment, which is likely to be exacerbated by a 15-day work experience requirement.

Proposal 8:

The LACC updates 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 reference to the skills schedule at Appendix F.

- 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?

Response and recommendation

The development of further guidance around the expectations of work experience placement would be of assistance, including to help ensure students have access to legal (rather than administrative) work during their placement. We recommend that such guidance be of a general nature and not overly prescriptive. Students will undertake workplace experience in a variety of legal environments and the guidance should be applicable to as many kinds of workplaces as possible. The guidance should be developed after the PLT Standards and skills requirements have been settled.

Proposal 9:

The LACC works 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.

- 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?

Response and recommendation

We suggest that a national working group be established to consider these issues. Further consultation should include legal professional bodies and representatives from a range of workplaces to ensure the guidance is fit for purpose across areas of law and different types of workplace providers.

Proposal 10:

Legal profession regulators review the training that is offered to lawyers who wish to improve their supervisory skills.

- 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?
- 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?

Response and recommendation

The Law Society queries whether it is necessary for legal profession regulators to review the training for optional supervision upskilling. In Western Australia, submissions to the WA Parliament's [Public Administration Committee's Inquiry into the Legal Practice Board](#) raised problems with significant delays in accreditations and approvals by the regulator. PLT providers reported delays of over 12 months in responding to applications for reaccreditation of PLT courses and even greater delays in responding to new applications for accreditation. The delays incurring under the existing regulatory framework must be addressed before additional responsibilities relating to review and accreditation are given to the regulatory body.

Proposal 11:

The LACC amends the PLT Standards and the Standards for PLT Workplace Experience to allow workplace experience to be undertaken while the student is studying a law course, with PLT providers still playing a role in certifying after the event that appropriate workplace experience has been undertaken.

- 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?

Response and recommendation

While there are benefits for students who are employed or obtain clerkships or internships during their studies, students who miss out on those opportunities (for example because their circumstances mean they cannot take time off from their regular employment) should not be penalised.

For employed students, their experience as clerks and paralegals is valuable, however it is not for the same purpose as workplace experience undertaken by a law graduate. We support a flexible approach for students who wish to apply to have their past work experience included, provided there are parameters around the recency of the experience and its relevance to the current stage of their education.

Proposal 12:

The LACC amends the PLT Standards to set out the obligations of PLT providers to assist students in sourcing workplace experience opportunities.

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?

Response and recommendation

The Law Society considers it should be part of PLT providers' obligations to assist students to find workplace experience opportunities, taking joint responsibilities alongside the student. Students without existing employment in the legal sector should be encouraged and assisted through PLT to develop their own networks.

Post Admission Legal Training (PALT)

Proposal 13:

A new requirement should be imposed as a condition on practising certificates for early career lawyers to undertake 15 hours of PALT in each of their first two years of practice.

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?

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?

Response and recommendation

In order to answer these questions, information is needed as to how PALT would be structured, how the costs would be borne as between employers and practitioners, and the format, delivery and marking of assessments.

There will be a cost to PALT. The inclusion of a rigorous assessment component further adds to the cost of providing PALT above existing CPD requirements. Small firms we have spoken to about the proposals have indicated that they would not bear the cost (including lost billing cost) and resource required to support PALT. They would simply stop employing graduates and look to bring in junior lawyers at the 2 year PAE mark. This risks artificially skewing the job market to the benefit of large firms and entrenching the undersupply of graduate lawyers in key areas.

We also doubt there will be sufficient senior practitioners with capacity or inclination to deliver PALT to all restricted practitioners, if it is in-person only and includes the marking of assessments. This issue is particularly acute in areas of law where practitioners are already under extreme capacity pressures in WA, such as family and criminal law.

Further consultation is needed to ensure the framework of PALT is developed on the basis of evidence about cost and the realistic availability of members of the profession to deliver it outside of NSW.

The proposed PALT framework must also include clear options for students who fail PALT assessments (assuming it is not intended they would automatically lose their practising certificate for failure to meet a condition), as well as opportunities for part-time lawyers and lawyers who cease working for any reason during that initial two years to complete PALT over an extended period.

Proposal 14:

The requirement to undertake PALT should not apply to lawyers who practise exclusively as barristers.

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?

Response and recommendation

As the Committees are aware, WA has a fused legal profession and practitioners do not tend to practice exclusively at the bar upon admission.

We believe that all admitted legal practitioners in WA should be subject to the same PALT requirements in the early years of practice. Whilst the fused profession is different from jurisdictions where a person elects to practise as a barrister or solicitor, we submit there is merit in all practitioners receiving the same foundation in early legal education.

Unique skills for barristers can be addressed through PALT in the same way as the unique skills for family lawyers, litigators, wills and estates lawyers, and so on. We understand this to be the very purpose of PALT; to relate more meaningfully to a lawyer's specific practice area than the current PLT framework allows.

Proposal 15:

PALT to be delivered in areas identified and developed by PALT providers, subject to the approval mechanisms set out below.

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?

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?

Response and recommendation

The Law Society supports flexibility in the delivery and subject matter of PALT, if it is introduced. This issue should be considered further when the PLT Standards and law school practical assessments are settled.

Proposal 16:

Lawyers who are undertaking PALT should have further restrictions on their practice, such as, for example, restricting them from areas such as taking clients on their own and signing legal advice.

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?

Response and recommendation

This proposal requires significantly more policy development as to the intended purpose, outcome and substance of any restrictions before we are able to comment meaningfully. We expect that restrictions comparable to those currently imposed on practising certificates for restricted practitioners in WA may be appropriate. If this option is pursued, consideration should also be given to a graded imposition of restrictions so as not to penalise practitioners working part time or who take periods of leave which extend their minimum PALT period.

PALT – Delivery of PALT

Proposal 17:

PALT should be delivered face to face and in person or, in exceptional circumstances (as determined by the PALT provider), by synchronous online learning.

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?

Response and recommendation

For the same reasons set out above in relation to PLT delivery, we caution against overly restrictive requirements for in-person only PALT delivery. This is likely to be particularly detrimental for regional, rural and remote practitioners in the context of PALT. The focus on PALT should be on the quality of the training, not the method of delivery.

We suggest that an exemption from the requirement to carry out PALT in person be available to anyone living in regional, rural and remote areas (say, more than 100km from the centre of the State's capital city).

Proposal 18:

The content and providers of PALT courses should require approval by the regulator that issues practising certificates to solicitors. The providers could be local law societies, existing PLT providers or others.

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?

Response and recommendation

We support a degree of regulatory oversight with respect to PALT, however we reiterate our concerns about the likely delays in obtaining additional approvals in WA at this time. The application for PALT accreditation by providers should not be significantly more onerous than existing requirements for CPD accreditation in Western Australia.

Proposal 19:

PALT should incorporate rigorous assessment

19.1 Do you support the proposal that PALT should incorporate rigorous assessment? Do you have any views on the parameters for this requirement?

Response and recommendation

We do not have sufficient feedback from our members to comment on this question at this time.

Clinical legal education

Proposal 20:

Clinical legal education should be included as a component of PLT, whether on a mandatory or optional basis.

- 20.1 Do you support the Committees considering options for the inclusion of clinical legal education as a component of PLT?
- 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.
- 20.3 If clinical legal education is optional, should completion of clinical legal education satisfy the requirements for PALT?
- 20.4 Who should be responsible for delivering and supervising clinical legal education?
- 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?

Response and recommendation

We support further consideration of ways to incorporate clinical legal education into law courses. However, feedback from legal clinics is that hosting students full-time for 15 days as part of PLT work experience will be very burdensome in terms of providing supervision for this intensive period and carrying out onboarding and training for less than 15 days of benefit. Law clinics have told us that it is preferable to have students attend during their law course, say for one morning a week over a six month period. This makes supervision more manageable, and allows the student to learn, reflect and improve over time.

Some Western Australian universities have established successful Student Legal Clinics such as the John Curtin Law Clinic at Curtin University and SCALES Community Legal Centre operated in partnership with Murdoch University. These clinics play an important role in education and improving access to justice by providing legal assistance to vulnerable persons who may otherwise have difficulty obtaining legal advice.

It may be appropriate to count experience in these legal clinics while at law school as work experience for the purposes of PLT, but we would not support mandating participation in law clinics without significant additional government funding to support supervision and training.

A working group would seem an excellent way to explore options for improving access to clinical legal education that benefits students, clinic staff and clients.

Supervision of early career lawyers

Proposal 21:

Legal profession regulators should establish a working group to develop additional guidance and resources for supervisors of lawyers as part of their supervised legal practice. This may include guidance materials, templates and training sessions for supervisors.

This group should also consider if there is any need for regulatory reform to support improved supervision and develop recommendations for any such reforms.

- 21.1 Do you think there is a need for additional guidance to supervisors of early career lawyers, to improve supervision?
- 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?

Response and recommendation

We support the development of additional guidance and resources for legal practitioners who provide supervision to early career lawyers. The proposed reform model's reliance on workplace supervision creates potential for the same issues around variations in quality that arose under the articulated clerkship model, contributing to the promotion of PLT as a national framework in the first place. Setting expectations for supervision can only assist with this.

As with the other proposals for reform in this consultation, we do not support a 'one size fits all' approach to supervision, noting the variety of workplaces and practice areas that will require a nuanced response from supervisors.

We would urge the LSC to include this issue in the list of matters to be considered by a national working group. The development of these resources should not be limited to input by regulators. It is critical that those at the coal face of the profession have an opportunity to be heard on the types of resources that will be practical and useful. Broad consultation will facilitate the development of appropriate guidance and resources for legal practitioner supervisors across jurisdictions, work environments and practice areas. We do not support a proposal for a regulator working group to only consider this issue in isolation from the rest of the reforms.

We are also concerned about the implementation of regulatory reform with respect to supervisors. Rule 37 of the *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015* imposes obligations on practitioners to provide adequate supervision of legal services. The Society cautions against the imposition of further regulatory standards without consulting directly with the legal profession. To do so may risk a reduction in the number of legal practitioners willing to provide work placements and/or to employ early career lawyers. This has a direct flow on effect to reducing opportunities for law graduates.

Implementation timing

Proposal 22

It is proposed that the following transitional arrangements would apply:

- *Law courses to incorporate practical training and skills in their programs by the start of the 2028 academic year*
- *From 2028, new PLT course to be four weeks in length, with one week of additional pre-reading and preparatory work. This can be reviewed after two years, when more practical training and skills have been embedded in law courses*
- *The new model of PALT and associated licensing impacts to commence at the start of 2028.*
- *Any new requirements or guidance for supervisors of those undertaking supervised legal practice to commence at the start of 2028.*

22.1 Do you support the proposed transitional arrangements and implementation timeframe set out at Proposal 22?

Response and recommendation

We would urge the Committees to consider the views of universities, PLT providers and regulators in relation to implementation.

Conclusion

We urge the LSC and LACC to reconsider the proposed reforms in the Consultation Paper. Reform is required and supported; however, the current proposals are not based on evidence showing that the NSW model will reduce the cost and improve the quality of PLT nationally.

Meaningful reform that provides the desired outcomes of reduced cost and increased quality, without erecting discriminatory barriers to entry into the legal profession, requires additional consideration of the changing nature of adult education, resourcing constraints, and the nature of legal practice in different Australian jurisdictions.

In Western Australia, the impact of imposing these reforms has potentially harmful ramifications for regional, rural and remote practitioners, and strong disincentives for small and medium firms to provide workplace experience and employment opportunities for recently admitted lawyers. The flow-on effects on undersubscribed areas of law such as family and criminal, and associated barriers to access to justice, should not be underestimated.

In our view, a national working group should be established to continue the review of the issues raised by the LPAB and LSC surveys, consider all the responses to this consultation and to further develop a variety of options for consideration by a broader range of stakeholders. The survey results do not justify a rushed implementation of new processes that will have disproportionate impacts on law graduates and early career lawyers. The picture is one of dissatisfaction and need for improvement, not one of immediate crisis.

Setting newly admitted practitioners up for success in the early years of their career benefits everyone. Better-equipped law students become better legal practitioners and the ultimate beneficiaries are the consumers of legal services. The methods by which these outcomes can be achieved must be flexible, taking into account the evolving needs of law students, the pressures of legal practice and the digital world in which we now all work. Flexibility and innovation in delivery methods at all stages of the legal education continuum will enable students to make appropriate choices for their particular circumstances.

The Law Society welcomes future opportunities to collaborate with the LSC AC, LACC, our Western Australian regulator and national counterparts to progress evidence-based, fit for purpose solutions for national PLT reform.