

Feedback Form: Review of practical legal training

Respondent details

Name: Clair Halliday

Organisation (if applicable): Legal Aid WA

Contact details: [REDACTED]

Are you responding as (select one):

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Jurisdiction (select one)

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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? Yes. Developing some practical legal training skills such as those set out in Appendix F throughout Law Courses would assist law graduates to move into the profession ‘supervised practice ready’. Our experience with law graduates is that their ability to seamlessly transition from law student to graduate is very dependent on the quality of mentoring and training they have had in paralegal and law clerk positions during law school (if they have obtained relevant employment or volunteer positions during their studies). Standardised practical skills teaching, training and assessment throughout Law Courses would level the field and enable graduates to make the most out of their post university employment from the word go. Students would also be able to get the most benefit from paralegal and clerk positions during their studies if they have practical skills taught during the course. Any part time employment/volunteer positions would be an opportunity to put these skills into practice throughout their degree. Standardized quality, ethical, comprehensive practical legal training skills taught at university gives law graduates a solid base to jump off from both in pre graduation positions and as soon as students graduate.
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?
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?

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 any other amendments to Supervised Workplace Training?
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?

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? In terms of a situation where a graduate has secured a full-time graduate program placement and is completing PLT in that context, a 4-week intensive period is a large block of time away from the workplace at the start of their journey with a firm/agency. It is disruptive to their induction/settling in period, and disruptive to the workplace generally. One of the benefits of the design of the PLT course LAWA graduates attend is the 3 x immersive blocks spaced out over a 20-week period. These blocks allow the graduates to learn part of the theory and then come back to the office and put that theory into practice while completing the online assessments etc. They then return for another block of in person intensive theory followed by a period of workplace practical learning and online assessment. While it is accepted that there is a need to reform the current set up, from the perspective of the graduate and observations as a supervisor/employer, a 4-week intensive will likely be less effective as a method of teaching practical skills and more disruptive to the workplace than a staggered set of theory sessions interspersed with workplace placement. This observation only relates to graduates who have secured a full-time graduate program placement and the delivery of any PLT course needs to be flexible to suit different graduate's workplace placement situations. Any mandatory in person block of training will present challenges for regional graduates, as has been discussed at length in the various roundtables.
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?
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? As raised many times in the roundtables, any in person requirement will be extremely challenging for regional graduates. There are unlikely to be providers delivering PLT in regional centres (and certainly not in smaller towns) so access

	will be restricted to those that can afford to travel and source accommodation in Perth for the period of the PLT course.
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?
Workplace experience	
7.1	Do you support the LACC retaining the requirement for a minimum of 15 days of workplace experience prior to admission? From the perspective of an employer/supervisor, 15 days is nowhere near enough time to get a graduate immersed in any significant work. Clearly the more days of workplace experience, the better. Ideally this workplace experience would be on a paid basis in a graduate program role, so that the graduate can have months of workplace experience before admission. It is appreciated that this isn't possible for all graduates, and this requirement needs to be flexible. We support the workplace experience requirement remaining at 15 days as an absolute minimum.
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?
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. There appears to be a lack of understanding across the profession in terms of what is required to properly supervise a PLT student.

	Workplace experience for graduates can vary wildly from placement to placement, and even within one firm or agency from supervisor to supervisor. This is a key area that needs addressing to improve the experience and outcomes for graduates throughout the PLT/graduate period.
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. Courses that count for CPD purposes could be made available for practitioners supervising PLT students.
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? There needs to be a minimum stage of study at which workplace experience could be counted. Law students need to be able to contextualise what they are experiencing in a workplace. This could be timed in with the inclusion of the practical legal training theory that is hoped to be incorporated into Law Courses to ensure the practical legal training theory and the workplace experience are both as effective as they can be from a learning perspective.
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?
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? Yes, but see answers to 17 onwards for clarification.

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.
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?
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?
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?
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? As above, there have been multiple concerns raised throughout this process with any mandated in person training for regional graduates and RPs. This would be a significant factor for LAWA in terms of bringing staff down to Perth for training, the costs involved in travel and accommodation for all restricted practitioners for multiple days per year.
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?

19.1	Do you support the proposal that PALT should incorporate rigorous assessment? Do you have any views on the parameters for this requirement?
Clinical legal education	
20.1	Do you support the Committees considering options for the inclusion of clinical legal education as a component of PLT? One option for clinical legal education could be a mandatory semester or year long program embedded in the degree to time in with the practical legal training planned to be included in Law Courses. From a community legal centre perspective (who already run similar clinics as part of Law Courses), the longer the placement in the clinic, the more useful the student is in terms of delivering services. Short sharp placements with fast turnover of students to induct, train etc are a drain on resources of already under resourced CLCs. These longer clinical placements would give student the opportunity to practice the skills they were learning throughout the degree, prior to graduation. If workplace experience prior to graduation could be counted, these clinics could count towards some of the days required. From the CLC perspective, this would boost their resourcing for services such as telephone advice lines, one off advice services etc and give a reliable flow of volunteers.
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? Yes. There are many benefits to the inclusion of clinical legal education, particularly in the community legal sector – for both law students/graduates and the CLCs.
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? Yes. The supervision of early career lawyers is fundamental in terms of their learning both technical legal knowledge/skills and from a soft skills perspective. Supervision is onerous on firms/agencies but proper supervision is imperative to ensure we are producing well trained, ethical, confident practitioners.
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?
Implementation timing	
22.1	Do you support the proposed transitional arrangements and implementation timeframe set out at Proposal 22?