

Feedback Form: Review of practical legal training

Respondent details

Name: Heli Askola, Associate Dean (Education)

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? A discussion on the competence (knowledge, skills, and behaviours) of ‘Day 1’ lawyers in Australia is overdue. However, overloading the law degree to address shortcomings in Practical Legal Training (PLT) is neither the starting point nor the solution. The requirement that law courses demonstrate the integration of practical teaching and training, together with rigorous assessment, appears to shift a significant portion of responsibility for professional skills development onto law schools. If there are concerns about PLT (its cost, accessibility, consistency or perceived relevance), the logical response is to reform that program directly. Using the law degree to ‘solve’ PLT is inefficient and misdirected. The proposed shift fails to reflect the distinct roles of universities and professional training providers. A law degree differs in both scope and purpose from PLT, which is narrowly focused on equipping prospective lawyers with the competencies required for professional practice. By contrast, a law degree provides a broader and more in-depth education encompassing legal doctrine, practical skills, public policy, legal philosophy and critical perspectives on the law. It serves not only those intending to enter legal practice, but also graduates who pursue careers in commerce, public service and the community sector. Indeed, a central difficulty with the proposal is that it implicitly assumes the law degree is, or should be, a pipeline to legal practice - while also noting (p.19) that a “large proportion of law graduates pursue non-legal careers”. Monash is committed to delivering outstanding legal education that prepares students for legal practice. At the same time, a substantial proportion of law graduates do not enter the legal profession. They move into government, policy, consulting, business, technology, compliance, activism and a wide range of other fields. For these graduates, the value of the law degree lies not in narrow preparation for admission, but in the development of transferable intellectual and professional capabilities. The Priestley 11 is already an over-full curriculum. Adding vocational "scaffolding" would make the degree even more crowded and rigid. Monash already embeds practical and contemporary skills into the law degree. However, shifting a large component of highly specific, practice-oriented competencies into the degree risks over-specialising the curriculum for a single career path and producing lawyers lacking legal knowledge, rather than legal skills. At the same time, replacing accredited PLT qualifications with ad hoc training and CPD modules would likely lower educational standards and diminish transparency. In addition, the proposal does not sufficiently account for the governance, funding and resourcing constraints within which universities operate. It does not take note of AQF standards, which pose a regulatory barrier to incorporating these proposals into the law degree in a systematic manner. Absent corresponding structural and financial support, the proposal risks imposing obligations that law schools are not adequately equipped to meet. These proposals could not be implemented without appropriate design, adequate resourcing and careful alignment with the distinctive role and

	capacities of university legal education. This radical transformation would require an enormous amount of work, time, expertise and resources across all institutions offering law degrees.
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? The proposed skills schedule requires substantial reconsideration. In particular, its high level of specificity, coupled with the expectation that practical skills be embedded and formally assessed across all identified areas, reinforces the concern that the proposal effectively shifts vocational training responsibilities into academic programs. Any skills framework should more clearly distinguish between foundational academic competencies and those appropriately developed through post-degree practical legal training. Academic and practical training serve distinct and complementary purposes, and conflating them risks diluting the standards for entry into the profession and non-compliance with existing standards for university education. Greater flexibility should be afforded to law schools to determine how, and to what extent, such skills are introduced, having regard to institutional context and resource capacity.
1.3	Would law schools be able to implement these changes by the beginning of the 2028 academic year, as proposed? The proposed timeframe is not feasible. The proposal underestimates both the scale of change required and the time necessary to implement it in a rigorous and sustainable manner. Given existing approval processes, accreditation cycles, and resource constraints, it would not be possible for law schools to implement these reforms by the beginning of the 2028 academic year. The envisaged changes would require significant curriculum redesign, additional staffing and expertise and the development of new assessment regimes. It is likely that this proposal would require substantial clarification before universities could proceed to undertake the necessary unit and assessment design, staff recruitment and training. In particular, the change would have significant consequences for academic careers and recruitment. The paper reflects a limited view of who teaches law degrees, particularly in contemporary research-intensive Australian universities. Many legal academics are exceptional scholars focused on research and teaching; some are not admitted to practice (in any jurisdiction) or practised many years ago. The required transformation of hiring and training structures would take time and the recruitment of sufficient numbers would be very difficult for large institutions. The alternative - that law schools could hire large numbers of dedicated skills tutors – is also unrealistic in assuming such a supply exists.
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?

	No. Insofar as this proposal is directly connected to the question of the practical knowledge and skills to be taught in law degrees, it can't be finalised without more detail.
2.2	Do you suggest any amendments to the categories or skills set out in the skills schedule at Appendix F? No. See above - more work on the detail of the division between PLT and law school education is needed.
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? Some of these matters are clearly appropriate as be part of professional education, as part of PLT, PALT, and/or ongoing CPD - notably, working with clients from diverse backgrounds, preventing and addressing sexual harassment, and AML/CTF regulation. Others might be part of PLT or law school, but as noted above, more is needed to clarify detail before any skills schedule is settled.
2.4	Should the option for graduates to undertake Supervised Workplace Training as a way of completing PLT be retained? No view
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? No view, noting the need for more time and consultation before a skills schedule is settled.
2.6	Should there be any other amendments to Supervised Workplace Training? No view
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?

	This question obviously relates directly to the division of work between law schools and PLT. It is premature to make a decision on this, given the concerns we have expressed above. We note that a shorter course risks being unable to fulfil the requirements necessary in order to prepare someone for practice.
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? This issue turns on the appropriate division of responsibilities between law schools and PLT providers, and it is therefore premature to reach a definitive conclusion.
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? No view
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? Further detail is required regarding the expectations and requirements of PLT under any revised regime.
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? This question should be informed by rigorous educational research rather than relying solely on surveys and consultation feedback. While no definitive position is taken, there is evidence that well-designed asynchronous online content can be an effective mode of delivery in appropriate contexts.
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? A thorough review should precede, rather than follow, any structural changes to legal education.
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? No view
Workplace experience	

7.1	Do you support the LACC retaining the requirement for a minimum of 15 days of workplace experience prior to admission? No view
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? Greater detail is required, and this should be developed as part of the process of moving towards any revised legal education regime.
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? No view
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? No view
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? If PLT and law school are to be developed into a more coherent and integrated system through this process, there is no principled reason why relevant work experience undertaken during law school should not be recognised for PLT purposes. Indeed, some PLT providers already give credit for such experience in their existing assessment frameworks.
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? No view

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? No view
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. No view
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 view
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? No view
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? No view
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? No view
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? See the comments above regarding asynchronous online delivery.
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? No view
19.1	Do you support the proposal that PALT should incorporate rigorous assessment? Do you have any views on the parameters for this requirement?

	No view
Clinical legal education	
20.1	Do you support the Committees considering options for the inclusion of clinical legal education as a component of PLT? Again, this is something which should probably be explored before any proposal for change is finalised, rather than afterwards. The distinction between the scope and purpose of law school and the scope and purpose of PLT is relevant here. Clinical legal education as part of PLT might therefore differ from clinical legal education offered by law schools.
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 CLE is distinct from practical legal training (PLT) in both its method and purpose. In a university law clinic, students work with real clients under the supervision of qualified practitioners, developing practical skills alongside an understanding of legal, ethical and procedural responsibilities. Clinics also advance social justice by supporting disadvantaged communities and encouraging critical reflection on access to justice. In contrast, PLT typically relies on simulated scenarios to develop practical skills. Therefore, a proposal to make CLE a mandatory part of PLT requires careful consideration regarding the educational value of CLE, and the implications for law schools, the legal assistance sector and the wider profession. A mandatory CLE requirement would necessitate planning for accommodating students within CLE programs at law schools or the creation of a substantial number of places for PLT students at practices and other organisations. Very likely, a substantial part of this burden would fall on law schools and legal assistance providers.
20.3	If clinical legal education is optional, should completion of clinical legal education satisfy the requirements for PALT? No view.
20.4	Who should be responsible for delivering and supervising clinical legal education? The uncertainty in relation to this question is reflective of the need for more work to be done before implementing a change to the conduct of legal education. If clinical legal education was made a mandatory part of PLT, it should be delivered and supervised by PLT providers. If it were mandatory as part of a law degree, universities should deliver and supervise it.
20.5	Do you support the Committees inviting a working group comprising suitably qualified educators/experts to explore how clinical models of legal education could be employed as part of PLT?

	A working group might have useful input, but it will need greater clarity on the respective roles of law school and PLT in order to do so.
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? There are good materials on this available in Victoria. No doubt additional guidance would be useful in some instances.
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? No view.
Implementation timing	
22.1	Do you support the proposed transitional arrangements and implementation timeframe set out at Proposal 22? No. The timeframe is far too short, and there is certainly not the certainty or detail required for effective implementation.