

The Hon Justice François Kunc
Chairperson
Law Admissions Consultative Committee
Legal Services Council

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By email only: submissions@legalservicescouncil.org.au

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Dear Justice Kunc,

Review of Practical Legal Training – April 2026 Consultation Paper Submission

I am grateful for the opportunity to provide a submission in response to the April 2026 Review of Practical Legal Training Consultation Paper, and for the significant work underpinning.

I am Dean and Head of Curtin Law School (**CLS**) and a barrister within Murray Chambers. I write this submission with both roles in mind, albeit I have not had the opportunity to seek endorsement of these views from Curtin Law School or Murray Chambers. Accordingly, the views are my own but informed by the fore-mentioned roles.

I have had the benefit of perusing the Council of Australian Law Deans' (**CALD**) submission, which I endorse.

I traverse the following issues below by way of submission: Overview of Curtin Law School; Western Australian legal education landscape; continuum of legal education in Western Australia and Civil Litigation Skills & Advocacy Course; pedagogical scaffolding and timeframe; 'what' rather than 'how' and minimum standards; and Post Admission Legal Practice.

Overview of Curtin Law School

Curtin Law School operates under three working principles:

- (i) Integration of the legal academy with the legal profession;
- (ii) Embedding international perspectives; and
- (iii) Fostering deep appreciation for the rule of law.

The Review of Practical Legal Training (**PLT**) is particularly relevant to working principles (i) and (iii), which manifest in several ways within the School. This includes direct delivery of PLT, John Curtin Law Clinic activities, and a deep collaborative relationship with Murray Chambers, of which I am a part.

The John Curtin Law Clinic (**JCLC**) provides legal advice to small business, start-ups, not-for-profits and social enterprises. It also provides advice and representation to citizens subject to discrimination, along with a host of related law reform initiatives. Most recently, the Equal Justice Initiative has focussed on wrongful conviction of First Nations Peoples. The JCLC provides an opportunity, which is highly encouraged, for CLS PLT students to engage with some, or all, of their placement requirements within this clinic setting.

Murray Chambers was founded in 2017 by the now Chief Justice of the Supreme Court of Tasmania, The Honourable Chris Shanahan, along with now Judge Linda Black of the District Court of Western Australia, and Raelene Webb KC (prior President of the Native Title Tribunal), among other members. It is partially co-located at 57 Murray Street Perth (which also houses CLS in the Perth legal precinct). It has grown to approximately twenty barristers that make ongoing contributions to the legal education offerings within CLS, with an emphasis on PLT. Collaborative initiatives include an annual PLT/CPD day where CLS PLT students attend a full day of CPD sessions delivered by Murray Chambers members.

The activities of CLS, JCLC and Murray Chambers are inter-related and ultimately serve to build a bridge between academia and the profession while also fostering a deep appreciation for the rule of law.

Western Australian legal education landscape

CLS is one of five law Schools physically operating in Western Australia (**WA**) and one of six Practical Legal Training providers. There are countless Continuing Professional Development (**CPD**) providers operating in WA and beyond. For a relatively small-populous state, the legal education landscape in WA is layered and complex, with a variety of legal education offerings. There is healthy competitive tension, which for the most part serves to increase quality and lower cost, along with spawning innovation. To be sure, there are challenges in delivering and sustaining a quality PLT course, owing to a variety of factors including regulatory and compliance costs; the attraction and resourcing of appropriate professional colleagues to deliver content; and obstacles overcoming the benefits of incumbency.

Continuum of legal education in WA and Civil Litigation Skills & Advocacy Course

With the view of uplifting the ‘continuum of legal education’, CLS has recently been engaging with collaborative initiatives with the Piddington Society, which operates under the leadership of The Hon Kenneth Martin KC. The collaborative initiatives are assisted with significant contributions from The Hon Graeme Murphy SC and Chris Zelestis KC. A relevant example is the Civil Litigation Skills and Advocacy Course, which has evolved

over the last two years in WA. This course is principally geared towards improving the skill set, knowledge and experience of barristers at the WA independent bar (of which I am one). It is an extremely beneficial course, which sets a benchmark for practice-based legal education in Australia. The contents of the course are informed by the views of the local WA judiciary and senior members of the legal profession. The course provides an opportunity, from a pedagogical perspective, to think more deeply about how to scaffold the contents throughout the 'continuum of legal education', with perhaps a considered reverse-engineered approach. The CLS PLT is part of this story as is the CLS Bachelor of Laws.

I have had the benefit of conferring with The Hon Graeme Murphy SC (former Commercial Cases List Judge and Justice of Appeal of the Supreme Court of WA) and Chris Zelestis KC, in relation to the Consultation Paper; and I attach their contribution by way of endorsement of their perspective as part of this submission.

Pedagogical scaffolding and timeframe

To scaffold desired legal practice skills sets into a Bachelor of Laws (or Juris Doctor), along with doing the same in the PLT, is no small task. Legal education providers like CLS are subject to a variety of compliance mechanisms including the Legal Practice Board of WA, Tertiary Education Quality and Standards Agency (TEQSA) and internal Curtin University compliance. Each of these compliance mechanisms require significant time and resourcing to navigate and satisfy. This is not a complaint but rather highlights the complexities of making content and/or assessment changes to courses. It takes considerable time, effort and resources.

Given the nature of the 'continuum of legal education', any changes to the content or mode of delivery of the PLT, will inevitably have spillover effects for the Bachelor of Laws (or Juris Doctor) as well as Post Admission Legal Training (PALT), including CPD.

In my view, consequently, any significant change to the PLT landscape needs to be considered alongside changes to other aspects of legal education (including LLB/JD and Post Admission Legal Training). As a rule-of-thumb, 3-5 years would be a realistic timeframe to work through the requisite changes across the 'continuum of legal education'. The start date would be when clarity has been achieved in relation to desired changes. If it takes 12 months from today to settle the desired changes, a further three years, at a minimum, would be required to operationalise the changes in an orderly fashion. Hence, the recommended 3-5 year timeframe.

'What' rather than 'how' and minimum standards

While Appendix F of the Consultation Paper reflects the 'skills schedule, as developed by the NSW LPAB' (the what), some aspects of the Consultation Paper appear to be more focused on the mode of delivery (the how). In my view, it is important that legal education providers maintain agency and autonomy with respect to the mode of delivery (the how), as the 'legal education marketplace' will do much of the heavy-lifting, at least over time, with respect to providing a variety of quality offerings at

reasonable cost – at least in WA. Of course, these views do not seek in any way to undermine regulatory standards and/or quality assurance (the what). Indeed, this submission supports an *increase* in the minimum standards and quality assurance, which is an approach that has informed CLS since the inception of its PLT in 2018. Any lowering of minimum standards or quality assurance – whether that be with respect to timeframe of delivery, mode of delivery or workplace requirements – will have the effect of homogenising PLT legal education and benefitting incumbent operators, rather than the opposite.

Post Admission Legal Practice

The Consultation Paper recognises that PLT cannot do all of the heavy lifting when it comes to ensuring law graduates are ready for the legal profession. To this end, highlighting the need for further ‘teaching and assessment of practical knowledge and skills’ within the Priestley 11 subjects, along with the focus on further PALT, is to be commended.

With a healthy ‘legal education marketplace’, such as exists in WA, postgraduate legal practice offerings will likely continue to evolve. An example being CPD initiatives, which integrate assessment. This approach may become the springboard for what are often called ‘micro-credential’ approaches to a postgraduate coursework legal education offering. These types of initiatives should be encouraged by increasing the minimum standards and quality assurance not just of the PLT, but also CPD/PALT, with the view of ensuring quality offerings at reasonable cost while spawning further innovation. Many of the concerns relating to the quality of PLT offerings are also relevant to CPD. Accordingly, I would be supportive of a future model that lifts the minimum standards and quality assurance of PLT/CPD/PALT collectively, with the latter persisting for, say, at least two or three years post admission.

I welcome the opportunity for further discussion in relation to the matters traversed in the Consultation Paper and above; and I look forward to further collective and collaborative deliberations with the aim of settling future desired arrangements.

Yours sincerely,



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Barrister, Murray Chambers
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National Law Lead, Digital Finance Cooperative Research Centre
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**COMMENTS ON 2026 CONSULTATION PAPER FOR THE REVIEW OF
PRACTICAL LEGAL TRAINING**

1. The summary in the consultation paper of the purpose of academic qualifications in the law includes the following statement at par 4.2:

“University legal education provides the architecture upon which professional competence is built. It equips students with core analytical capabilities — statutory interpretation, case analysis, legal reasoning and engagement with legal theory — while introducing them to the major doctrinal areas that define the structure of the Australian legal system.”

2. The summary of the purpose of PLT is stated as follows at par 4.3:

“PLT assists the transformation from law student to legal professional, providing structured, supervised learning that embeds core skills such as legal writing, interviewing, advocacy, negotiation, ethics and professional responsibility.

This helps to assure minimum competency for admission by equipping graduates with the practical capabilities required to practise as an entry-level lawyer. It also protects consumers of legal services by ensuring that new lawyers understand professional standards, client-centred practice and the regulatory framework governing legal practice.

This competency-based emphasis distinguishes PLT from academic legal study, which focuses primarily on understanding legal principles, legal theory and doctrinal analysis.”

3. These summaries reflect a view that the “core analytical capabilities” required for legal practice are taught at university and form a sufficient basis for instruction in “practical capabilities” in PLT.

4. In our respectful submission, this overstates the level of analytical skills and legal writing skills which are taught at law schools and fails to recognise the need for requisite skills in legal analysis and legal writing to be the subject of instruction in PLT.
5. There is a distinct technique of planned, methodical legal analysis which is rarely taught at law schools. The technique is closely connected to the technique of propositional legal writing (which is very different from the more discursive style used by law students), in that the process of analysing a legal matter is inevitably aided by expressing the outcome of an analysis in a legal document of some kind and repeatedly reviewing and revising the draft document as the iterative process of analysis is undertaken. (Curtin University law School has this year, for the first time, offered students an elective unit in these skills and the related skill of oral advocacy.)
6. The extent to which law students develop any analytical skills is inherently limited by the generality with which legal principles are necessarily taught at law schools and the fact that such analysis as they undertake is always confined to dealing with issues within a single overall legal subject, such as contract, tort, equity, etc. Problems which arise in legal practice are not confined to individual areas of the law and inevitably raise more varied, more complex and more numerous issues than those raised in problems set for students in assignments and exams.
7. One of the greatest challenges facing law students upon commencing legal practice is to appreciate the level of detail with which the law relevant to a matter must be understood to enable the law to be applied to the facts (including the terms of instruments, statutory and otherwise) with accuracy. This includes the principles governing the construction of statutes and contracts. Understanding the law at the requisite level of detail involves much more than reading authoritative statements of legal principle. It requires reading and analysing numerous cases in which the principles have been applied by the courts to different facts,

circumstances and instruments. The distinctions drawn in the application of a principle and the significance accorded to some factors and not others informs the true effect of the principle.

8. Law students should be given introductory instruction, at university, in the technique of legal analysis and the related technique of propositional legal writing.
9. This training should be supplemented by more detailed training in the theory and practice of methodical legal analysis and in legal writing in PLT, over at least 2 years, preferably 3 years. The training should be provided by those who are qualified to provide it.
10. It is unrealistic to expect that the required training will be provided to newly admitted practitioners “on the job” as employees at a firm or at placements arranged by PLT providers. Very few practitioners, even those with many years’ experience, are capable of providing the requisite training.
11. What is required for proper training in these skills is a model teaching course, which outlines in detail the core elements of the instruction to be provided and how that instruction should be provided.
12. Without training of this kind, graduates cannot be taught how to prepare written or oral advice, a pleading, an outline of submissions or oral submissions, during PLT.
13. It is also important to recognise that the technique of legal analysis is not only relevant to dispute resolution. It is important for practitioners when drafting all but the simplest of transactional or similar documents. The task of analysis is then directed at identifying the elements of a proposed transaction, the interactions between those elements, how interdependent they are, how they are to be implemented and the rights and liabilities which a document will create. Undertaking an analysis is

necessary to consider whether the terms of a draft document, read as a whole, are consistent and coherent and capable of facilitating the implementation of the parties' objects. For this purpose, it is necessary for a practitioner to have a detailed understanding of both the principles which govern the construction of the relevant document and the ways in which those principles are applied by the courts.

14. To add a point of detail, the instruction that is provided in relation to drafting legal documents should include detailed examination of the pitfalls of definitional driven drafting. This problem is rarely addressed in modern legal practice, which is so heavily reliant upon templates which use countless interdependent definitions which obscure meaning and reflect a failure of the drafters to assess the proper construction, according to legal principles, of the documents they draft. Drafting has become too process driven rather than analytical.

The Hon Graeme Murphy SC, former Commercial Cases List Judge and Justice of Appeal of the Supreme Court of Western Australia

CL Zelestis KC

May 2026

Perth