

Feedback Form: Review of practical legal training

Respondent details

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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.

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11 May 2026

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

By email: submissions@legalservicescouncil.org.au

Dear Justice Kunc,

RE: Review of Practical Legal Training – April 2026 Consultation Paper

Swinburne Law School has taught and assessed certain practical skills as part of its Bachelor of Laws since inception. It is further the only Victorian Law School with an integrated PLT offering by means of the Swinburne Bachelor of Laws / Leo Cussen Centre of Laws Graduate Diploma of Professional Legal Training Dual Award. Despite this, the proposed reform will potentially hold significantly detrimental consequences for Swinburne Law School and its students. Our concern can be summarised in the following key points:

1. The potential access and equity effects that the proposed reform may have;
2. The lack of clarity in the proposed skills, their placement inside the Bachelor of Laws, and the qualifications and experiences that will be required of those teaching it;
3. The anti-competitive effects that the proposed reform may have.

I have also added some comments about the proposed timelines at the end.

1. Access and equity effects

The demographic of the law students at Swinburne reflects our commitment to increasing access to the profession. More than 60% of Swinburne law students are first in their family to enter Higher Education studies. In other words, they are not only the first in their families to study law, but they are also the first to study at a university at all. Just over 20% of our students come from low socio-economic status backgrounds.

Our students rely on FEE-Help to study, and more than half study part-time so that they can support themselves. This has the following implications if the proposals are accepted as they stand:

- Swinburne students will not be able to afford PLT if the availability of FEE-Help is excluded, which will be the case if the volume of post course, pre-admission PLT is reduced to less than equivalent to a Graduate Certificate in AQF terms;
- Swinburne students already struggle to find workplace experience opportunities, because they lack a ready-made network. There is a risk that tighter workplace supervision regulation will reduce opportunities even further. Note that Community Legal Centres are not necessarily available, and that some charge fees for access to placements;

- Full-time availability for PLT will likely cause financial hardship to a significant percentage of our students, who are dependent on part-time work to support themselves. The blanket exclusion of online participation is problematic, and it is unclear what supposed issues it aims to address;
- Many law firms already only employ graduate lawyers after they have completed PLT. This indicates that they do not have the resources or skill to supervise PLT in-house. There is every risk that a post-admission burden on firms to more closely supervise newly admitted lawyers will depress the market for such young lawyers. This will affect the typical Swinburne graduate more severely, owing to their lack of network.

It remains critical that access to the legal profession be available to a full range of the Australian population who have the necessary drive and aptitude, including currently under-represented individuals from culturally diverse and low socio-economic status backgrounds. It would be tragic if these reforms inadvertently led to inequitable outcomes to those who already face more obstacles in their daily lives.

2. Lack of clarity and detail

It is proposed that law courses will teach and assess the skill set out in Appendix F throughout a law degree. Appendix F indicates that several of the skills can be taught 'in any of the Priestley 11 units'. In other instances, specific Priestley units are recommended without being clear on whether this will be mandated for the Priestley units or could be shown to be taught and assessed elsewhere. Three Priestley areas are particularly heavily laden with these skills content: criminal law and procedure; civil dispute resolution, and; ethics and professional responsibility.

This lack of clarity suggests that each law course will be able to place the skills in Appendix F where it deems appropriate. This implies a potential fragmentation of the delivery of skills and their assessment, making it impossible to administer the mapping of credit when students enter a law course after completing some units of study at a different institution.

At the same time, insisting on the inclusion of certain skills training and assessment in particular units will either dilute the knowledge being offered in the Priestley unit, or extend the legal studies of the student. This will further reduce the flexibility of offerings in different law schools, potentially diluting their unique value proposition to the market. It will also potentially make legal studies longer and therefore more expensive.

Modern pedagogy suggests that skills evolve over the course of studies, and indeed into a person's professional practice. They must be constantly practiced and reassessed with feedback. Typically, one differentiates between beginner level, intermediate level, and emerging professional level competency. Appendix F suggests that skills could be taught in one unit. At Swinburne, we offer a beginner level core unit in legal writing, which includes various other communication-driven and research skills. We then build on this throughout the course in assessments through the year levels. I am unclear whether the Swinburne approach is supported in the proposal. Moreover, I cannot tell to what extent, if at all, we fall short of the required level of training.

There is no clarity whether the skills in Appendix F would need to be taught by persons with particular skills and experience. In particular, it is unclear if someone with a practicing certificate would be required to offer this teaching and assessment. If so, Swinburne Law School will need to make additional appointments. This will require internal approval, financing, and we will need to make a case to employ someone at a

remuneration scale that does not accord with the typical scales of academic appointments. Academic appointments usually require higher degree study, typically a PhD, and a research and teaching record.

3. Anti-competitive effects

Swinburne Law School is a small school both in terms of faculty and student cohort. We do not have the resources to support clinical legal education in-house (proposal 20), nor does the university have the appetite for the risk that legal advice to the community by supervised students presents. The running of a legal clinic requires equipment, offices, and most importantly, suitably qualified and experienced staff. The staffing of legal clinics inside universities is notoriously difficult, as staff needs to be remunerated at professionally competitive rates outside of the norms that apply to academic appointments. If in-house clinical legal education is made mandatory, this will potentially price small law schools out of the market.

The inclusion of clinical legal education and its interaction with PLT is worth considering, but cannot be included without more consultation. I therefore support the proposal that a working group further explore this aspect (proposal 20.5).

4. Timelines

The proposed 2028 implementation date is unrealistic. To be able to adhere to this timeline, Swinburne will need to have its course amendments ready and approved by April 2027. All course amendments need to be approved by Academic Senate, which must approve amendments by its June meeting for them to commence in January of the following year. Even if the amendments to the LACC Standards and the Legal Profession Uniform Admission Rules 2015 could be made in time, individual regulators will need time to consider the proposals from each law school and PLT provider and confirm their approval before amendment. If additional staffing must be sourced, this will further postpone implementation.

Regards,



Associate Professor Natania Locke
Dean and Department Chair (Interim)
Swinburne Law School