Feedback Form: Review of practical legal training

Respondent details

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Are you responding as (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 Servies Council.

Unless stakeholders advise us otherwise, submissions may be published on the Council's website.

May we publish your response on the Legal Servies Council's website (select one)?

☒ Yes

☐ No

Responses to consultation questions

<table>
<tr><th colspan="2">Law courses</th></tr>
<tr><td>1.1</td><td>
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?
Not in its current form. The Melbourne Law School (MLS) acknowledges that there are long-standing concerns about the quality, scope and cost of PLT that deserve consideration, and we note that the MLS already embeds a number of the skills identified in Appendix F within its curriculum. However, we do not believe that the current proposals are adequately developed, practicable, or capable of implementation within the proposed timeframe. Specifically, we respectfully suggest that the proposals fail to demonstrate:
(a) An adequate understanding of the pedagogies of skills-based learning and their time and resource implications for law schools. Three critical issues need to be understood. (i) To be effective, skills-based learning needs to be delivered in an appropriate practical context; skills need to be built up from component sub-skills, with time for reflection and repetition to enable scaffolding of learning, and with opportunities to demonstrate improved performance. (ii) Threading practical skills through the law degree can, it follows, create currency and consistency issues later in training: it may be difficult to avoid some skills being taught at a point in time that is remote from PLT and eventual practice. Skills teaching tends to be most effective when it is proximate to, rather than remote from, opportunities to put those skills to use. (iii) If practical skills are (all) to be directly assessed, as Appendix F seems to imply, this represents a significant increase in (and change in the form of) the assessment burden borne by both students and staff. It will require suitably qualified and experienced instructors, meeting both TEQSA and professional requirements. This work cannot realistically be delivered at scale without additional resources, nor through ad hoc reliance on practising lawyers, particularly given the heightened scrutiny of casual and sessional staffing arrangements in universities.
(b) Proper recognition of the consequent knock-on effects of requiring additional skills and knowledge components to be integrated into an already crowded Priestley curriculum. Integrating the practical knowledge and skills requirements into the Priestley subjects makes administrative sense in that it is easier for admission bodies to monitor and assure, and for students to be confident that they have satisfied the Admission requirements, but the additional burden is significant, and unevenly distributed. As Appendix F indicates, the litigation bias adopted by the proposal suggests that, without some quite substantial curriculum redesign, change would be borne disproportionately by four of the 11 Priestley subjects: Criminal Procedure and Evidence (which is already a very crowded subject), Civil Dispute Resolution, Legal Ethics, and (to a far lesser extent) Contract. We comment further on this under 1.2 below.
(c) A sufficient and evidence-based understanding of the components of professional competence for the 21st Century and how it is best developed through legal education. As the then Chair of LACC, the late Professor Sandford Clark observed (‘Regulating Admissions: Are We There Yet’, paper to the AAL’s 2017 Conference on Legal Education, available at
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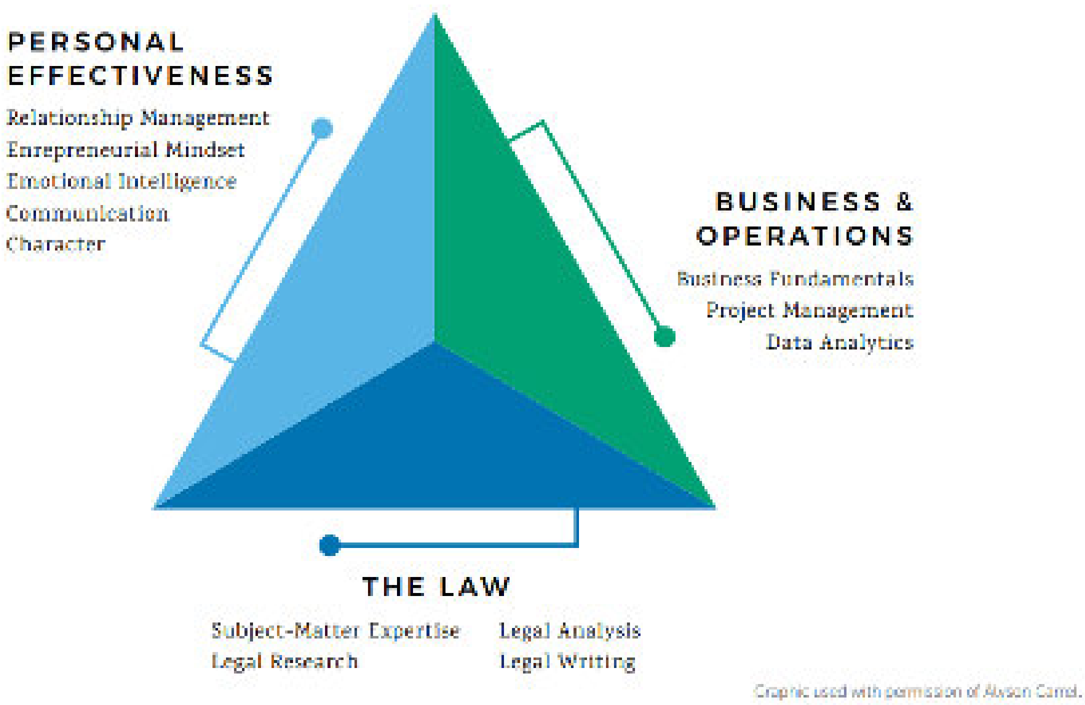
	https://academyoflaw.org.au/resources/Legal%20Education%20Conference%202017%20Final%20Papers/Sandford%20Clark%20-%20Regulating%20Admissions%20-%20Are%20we%20there%20yet.pdf): *Changes in the way society now seeks access to, and obtains, many legal services are profound. They challenge prevailing models of what legal practitioners do, how they organise their practice, how they are employed, how they interact with clients, how they charge for their services, what they need to know, how they keep up-to-date, their ethical obligations and, of course, how they need to be educated."* New digital technologies, changing modalities of regulation, and emerging social, political and environmental challenges to the Rule of Law make the case for a root and branch review of legal education and training, if anything, more not less pressing than in 2017. We come back to what a modern competency framework might involve in our response to Qu 2.2. (d) While we acknowledge the problems associated with overly detailed competence specifications, it is difficult to assess what is appropriate for any specific stage of education and training in relative isolation. If the training system as a whole is to do a better job of developing skilled graduates, then a clearer statement of the range and threshold standard for 'entry level' or 'day one' (in the office) competence is needed. The review should distinguish clearly the novice/foundational skills appropriately integrated into a law degree (which should properly anticipate a range of expected professional pathways), how those competences will be developed in PLT, and which PLT competences might be redistributed across post-Admission training. Without this it is difficult, if not impossible, for law schools (and the profession) to identify what constitutes a proper academic grounding for those later stages of training. In sum, it is not enough for the consultation paper to say that the current Priestley requirements are insufficient, and the PLT competences are over-complicated, while leaving under-determined the question of what is to be put in their place, including in the post-admission phase of training. What this consultation paper proposes is not minor or cosmetic change to the system of legal education and training. We acknowledge that a case can be made for some root and branch renewal, but this rapid review and consultation is not an adequate substitute for a carefully designed, evidence-based inquiry into the future form and direction of education for the legal profession.
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 ambition of setting out the practical knowledge and skills required for Admission at a higher level than the current PLT competency statement is sensible and accords with recent international trends as identified in the Kift-Nakano Report (2021). The overarching skills categories (communications, client relationship, etc) are sensible and largely unobjectionable, but the rationale for the distribution of these between degree and PLT stages is often unclear. Further consideration also needs to be given to how performance standards are to be defined

	and developed from degree to PLT before we can sensibly comment on the impact of these proposals on the curriculum. We also take the view that law schools should be entitled to some greater discretion in how they meet the additional practical knowledge and skills requirements, if these are adopted. These should not need to be integrated solely through the Priestley subjects – for example, a degree program could deliver the skills training requirements through a mix of integrated teaching in compulsory subjects with the development of a capstone skills simulation or 'practicum' subject. As with the existing Priestley requirements, it should be sufficient for regulation to specify the topics or competences, without directing where they are taught. More specifically, we are concerned by the following inconsistencies and gaps: • If the skill is only developed in the law degree, and then not necessarily (to quote from p.83) 'to a level appropriate for an entry level lawyer', then it seems unclear to us why that should be prescribed as a *professional* skill or knowledge area? • Why has a seemingly greater weight been placed on skills in a litigation setting than in transactional contexts when this does not seem to fit the profile of work undertaken by most entry level lawyers • Why is responsible use of AI flagged only in terms of the best interests of the client, when AI use raises important questions about the lawyer's responsibilities to the law, the courts and personal professional integrity? • Some skills, like record-keeping and matter management, and costs estimates, cannot be taught at degree level in anything but a very superficial fashion, unless there are time and resources to simulate or otherwise enable students to experience a volume of transactions and opportunities for meaningful engagement in risk management processes. Some of these activities could perhaps be taught through clinical legal education, but many law schools and their communities lack the resources to guarantee practice-based clinical experience to every student. See further our response to Qu • Greater emphasis should be placed on indigenous cultural competence and cultural safety as, and for the reasons, described in the First Nations Legal Professional Standards Working Party's submission to this review.
1.3	Would law schools be able to implement these changes by the beginning of the 2028 academic year, as proposed? This is likely impossible given the noted lack of detail associated with these proposals and the lead time required to secure both Admission Board and institutional approvals for subject changes. We think that this timetable also raises significant equity issues. There is a need to work-out and give proper notice to existing cohorts regarding transitional arrangements as per section 22 and Q 22.1. We would favour an approach where changes are phased in so as to limit transitional arrangements, ie, a three-year notice period before the PLT changes take effect. We echo the LEAD submission's observation that: *Some institutions are likely to require teach out arrangements over the length of the law course. Transitional requirements are an 'invisible' but substantive burden given that many students from lower SES cohorts (and those undertaking double degrees) do not complete their degree within four years.*

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? We do not wish to comment in detail on the proposals for the PLT Competency Standards, as we believe those matters are best addressed by PLT providers. We do however wish to note a general concern that certain of the proposals are inconsistent with the stated aim that 'equity' be 'a guiding principle of any reform' (p.34). Specifically, a blanket or near-blanket rejection of synchronous online learning has clear equality and diversity implications for regional and remote, and part-time, students, who may lack the time, opportunity and resources to engage in conventional full-time study. Likewise, the loss of FEE HELP eligibility for PLT courses would likely have additional adverse consequences for widening access to the legal profession.
2.2	Do you suggest any amendments to the categories or skills set out in the skills schedule at **Appendix F**? We suggest that any proper review needs to begin somewhere other than Appendix F. Our concern is that this perpetuates a model of professional competence that is narrow and no longer fit for purpose. A properly evidence-based review would take cognisance of the extensive work undertaken, particularly in North America, to develop a competency-based framework for the 2030s. Examples include the 'Delta' lawyer competency model, which highlights the need for training for adaptivity throughout the legal career and defines competences accordingly across three critical domains (figure 1 below).  **Fig. 1 The Delta Model** (from https://legal.thomsonreuters.com/content/dam/ewp-m/documents/legal/en/pdf/white-papers/delta-lawyer-competency.pdf) See also the Institute for the Advancement of the American Legal System's Foundations for Practice 2.0 project at https://iaals.du.edu/projects/foundations-practice

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? Recent research points to the significant social and psychological burden carried by First Nations Australians working in the law. Risks to indigenous clients and other parties to proceedings have also been recently highlighted (eg) by the Federal Circuit and Family Court in its Reconciliation Action Plan (2025), and by the Yoorrook Justice Commission in Victoria. There is a clear need specifically to address through appropriate training the lack of indigenous cultural capability and cultural safety that First Nations commonly experience in their interactions in legal education, the courts, and legal workplaces. This does not diminish but extends beyond the need for the profession to work with 'culturally and linguistically diverse' clients. We again concur with the First Nation Working Group submission on the importance of this neglected dimension of professional competence.
2.4	Should the option for graduates to undertake Supervised Workplace Training as a way of completing PLT be retained? In the absence of any objective evidence base regarding this pathway, it is difficult and not appropriate for us to express a 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? Ditto.
2.6	Should there be any other amendments to Supervised Workplace Training? Ditto.
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? We refer to our answer in 3.2
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? The basis for this figure is unclear. It should be noted that this proposal places Australia on a low rung of the ladder relative to our main common law comparators and competitors. The impact of this on the perceived quality of training needs to be considered. By comparison, preparation courses for the skills-based Solicitors Qualifying Exam 2 in England and Wales generally last between 5 and 10 weeks (full-time), or around 20 weeks part-time, with a total

	commitment of 280-350+ study hours. This needs also to be seen in the context of a requirement for two years structured 'qualifying work experience'. The skills-based Professional Legal Studies Course in New Zealand, which is delivered across a range of study modes, requires about 480 study hours. Five weeks of full-time study (PLT) would, by comparison, equate to about 200 study hours. Even with the proposed addition of 30 hours of PALT (study hours unspecified), this seems a potentially shallow foundation.
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? PLT is clearly postgraduate in time, but it might be appropriate to re-open the question whether it is necessarily postgraduate in level. The first question should not be whether the course should be credentialled as a graduate diploma, but whether the workload required and level of complexity is consistent with the requirements of that qualification. Postgraduate level credentials may add recognition, marketability and possibly credit transfer benefits, but probably should not drive the model. This question should be addressed as part of the fundamental review that we have called for.
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? The consultation paper seems to envisage the creation of a more competitive but also de-regulated or at least differently regulated market for PLT, and this carries obvious quality and consumer risks. The creation of a new 'mixed economy' of PLT training, with the 4 weeks +1 model representing a minimum requirement may, initially, give trainees some greater element of choice, and possibly increased diversity (in terms of time commitment, cost and, potentially, quality) when selecting their PLT provision. However, there is an obvious risk in this kind of market (where training, like legal advice itself, has many of the qualities of a credence good) that the initial floor, over time, becomes the ceiling. If anything like this model were to be adopted, safeguards should be considered, including external approval of internal QA arrangements and minimum standards of course delivery and trainer experience/qualification.
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? We refer the LSC/LACC to the various equity concerns we have highlighted elsewhere in this response. There is a significant risk that an in-person delivery requirement will (particularly when viewed in combination with the rising cost of degree-level education) constrain access, further impacting the diversity and representativeness of the profession. A better approach may be to permit a mixed synchronous/in-person delivery mode, with perhaps requirements that some key elements of interpersonal skills training are practised and assessed in an in-person setting.
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?

	Standards set a benchmark only; by themselves they cannot 'ensure' rigorous assessment. There are essentially two options if rigour is the priority: effective (independent) quality assurance and oversight of assessment, or centralised assessment. It would have been helpful here for the consultation paper to have expanded on its understanding of the form and function of a 'qualitative assessment scheme' (p.46) as this concept does not have a single authoritative meaning in educational theory and practice.
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? If PLT provision is to be opened out to a broader spectrum of providers, as the review suggests, this seems sensible.
Workplace experience	
7.1	Do you support the LACC retaining the requirement for a minimum of 15 days of workplace experience prior to admission? Yes, this seems to be valued across the system, but we would also question whether 15 days is sufficient to develop deep experiential learning and the capacity for reflective practice. There is an argument that appropriate workplace experience obtained during supervised clinical legal education could count for this purpose. We support this view, with the caveat that there is currently significant variation in clinical programs and the content of the workplace experience. Law schools often have relatively limited input into or oversight over the actual supervision provided through externship programs, and this may limit their suitability for this purpose. Guidance on when externship placements would count for PLT purposes would be essential.
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? Not in this format in the light of our earlier comments. There are too many unknowns to offer a properly informed assessment.
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? There may be significant value in this, particularly if it adds substance to the duty to provide adequate supervision. There may be challenges in setting standards for this so as improve consistency/standards while not imposing an undue regulatory and resourcing burden on smaller practices.
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?

	This would benefit not only students/trainees by improving supervision standards and standardising expectations but have a general benefit in recognising and valuing supervision as a skill in itself.
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?** We are not best placed to comment on the detail
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? In principle there might be some scope for this, but there should be some safeguards regarding quality of work and possibly a ceiling on the number of hours that could be counted. Allowing PLT providers to make that assessment could be administratively the most efficient way of managing this, but could also give rise to significant variations in practice between providers, and possibly some conflict of interest, if that might reduce the burden on providers finding or assisting trainees to find work experience.
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? Yes, in principle, this would seem desirable on access and equity grounds
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? In principle this seems a good idea and is a strong feature of the training CPD frameworks in Scotland and Hong Kong (where the hours requirements may be higher). It potentially creates a stronger structured training framework, particularly for smaller firms that may lack extensive in-house training resources. It is unlikely to add to the burden of larger firms, but may have resource implications for smaller practices that take only one or two trainees. The impact of such changes on the supply side of the training market needs to be considered. There is a fundamental question as to who will provide this training and at what cost and what the quality controls will be if it is not subject to TEQSA. It is difficult for us to comment on the hours since it is not yet clear what will be needed to be taught at that stage.
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. We defer to the regulatory bodies regarding the feasibility of this.
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?

	We do not have a firm view. Again much depends on what training is envisaged and how this would be resourced for individuals commencing independent practice.
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? We do not have a firm 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? We defer to firms and professional training providers on this.
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? We do not have a firm 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? Equity issues, again, need to be taken into consideration here, particularly in terms of (i) ensuring access to a range of provision for regional, rural and remote trainees, and (ii) flexible arrangements for those trainees who require reasonable accommodation. Any future model of PALT would need to accommodate the needs of a diverse profession, and this is probably better addressed by building-in scope for flexible provision, with an emphasis on synchronous learning, rather than carving out what constitutes exceptional circumstances.
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? This is a question on which we defer to the regulators.
19.1	Do you support the proposal that PALT should incorporate rigorous assessment? Do you have any views on the parameters for this requirement? If there is to be assessment it should be rigorous, non-rigorous assessment would have little other than symbolic value. But there are also strong educational arguments that training at this stage should be developmental and aimed at enhancing continuing competence and the capacity of trainees to take responsibility for their own CPD, rather than creating additional barriers to career progression. The parameters will need to be determined by the specification of appropriate key outcomes for the PALT stage.
Clinical legal education	
20.1	Do you support the Committees considering options for the inclusion of clinical legal education as a component of PLT? In principle, yes, as noted in 7.1 above. However, this should be optional rather than mandatory as the resource implications for law schools of a mandatory CLE requirement are significant.

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 See 20.1 above. If mandatory CLE were to be considered there would need to be some greater clarity in defining what would count for this purpose.
20.3	If clinical legal education is optional, should completion of clinical legal education satisfy the requirements for PALT? That depends on whether and how it meets the competences required of PALT
20.4	Who should be responsible for delivering and supervising clinical legal education? Law schools. CLE is a form of experiential learning that aims to deepen and enhance the classroom/doctrinal component of legal education. Though the difference to workplace training is noted, we are concerned that there is a risk of conflating the objectives of CLE with practical skills development.
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, however, this highlights a striking inconsistency, insofar as the consultation paper does not identify an equivalent role for educational designers (not just educators - not all educators are experts in educational design) in the fundamental work of re-designing the competence framework.
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? This may be beneficial but falls beyond our purview.
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? Ditto.
Implementation timing		
22.1	Do you support the proposed transitional arrangements and implementation timeframe set out at Proposal 22? No. Insufficient attention has been paid to the needs and challenges associated with transitional cohorts, notably arrangements for students who have completed an ‘old’ LLB/JD but may be required to undertake a ‘new’ PLT. Existing PLT provision should also be phased out as the new training model is phased in.