

Feedback Form: Review of practical legal training

Respondent details

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Are you responding as (select one):

- ☐ Individual
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- ☐ Other (please specify): _____

Jurisdiction (select one)

- ☐ National
- ☐ Australian Capital Territory
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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? UTS Law acknowledges the positive discussions that we have engaged in, to date, with the LPAB Chair and other members. UTS Law acknowledges that the current PLT Competency Standards are not wholly aligned to contemporary legal practice. We agree that practical and professional skills in the law degree should be articulated in the Accreditation Standards. To ensure a sound pedagogical framework, we suggest that there be uniform agreement by LACC, AC, state and territory regulators, law schools and PLT providers as to the required practical and professional skills and associated student learning outcomes.
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? We also acknowledge that the LPAB draft (Appendix F) provides a sound first scope of relevant knowledge areas and skills. As a NSW provider of PLT, we have provided feedback to the LPAB as to the inclusion of ethics, resilience, personal health, workplace culture and stressors. We also recommend that Indigenous cultural competency or capability be included.^A Amendments to provide details as to the stage where knowledge areas and skills should be taught and assessed (e.g. first year, final year) would result in clear and consistent standards.
1.3	Would law schools be able to implement these changes by the beginning of the 2028 academic year, as proposed? UTS Law is not in a position to implement changes for a 2028 commencement. There are several significant obstacles to this timeline: - the requirement for internal accreditation at the university level. This is a minimum two-year process. - the need for evidenced-based curriculum design to ensure 1) whole-of-course learning outcomes are achieved, 2) assessments support learning outcomes and 3) practical skills are appropriately across the degree at

	introductory, intermediate and advanced levels. This is a minimum two-year process. This work also involves a review of the current skills in the law degree and the possible need for training of teaching staff. - current resource constraints, both in a constrained level of academic and professional staff. Time should not start to run until a determination as to a national approach is finalised.
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? UTS Law agree that the Competency Standards require review to align with contemporary legal practice. Appendix F provides a sound first scope of relevant knowledge areas and skills and would benefit from expert input from academics and practitioners based on up-to-date research and current legal practice experience.
2.2	Do you suggest any amendments to the categories or skills set out in the skills schedule at Appendix F? See 1.2 and above and note out suggestion that Indigenous cultural competency or capability be included in the set of skills. It is critical for the standard and effectiveness of the Australian legal profession that the categories and skills reflect both contemporary and future-focused 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? Yes, all of the above areas should be included with the addition of the Professional capability to work for and with Indigenous Peoples.

2.4	Should the option for graduates to undertake Supervised Workplace Training as a way of completing PLT be retained? A uniform national approach provides a framework for consistency, quality and transparency. As a NSW PLT provider, we have no experience of the quality of the SWT program. Feedback from our students includes concerns as to the quality of practical experience, currently a prescribed requirement of the Competency Standards.
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? See above.
2.6	Should there be any other amendments to Supervised Workplace Training? See above.
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? UTS Law has the benefit of discussions with the LPAB Chair and Members as to the embedding of practical and professional skills across legal education. In submitting a draft 3-4-week PLT program to the Board, we noted: <i>The program is designed as one of several options for the capstone education and training of lawyers. A longer duration than a three-to-four-week program, such as a university semester which runs across 10 to 12 weeks, will provide greater opportunity for deep learning, the practise of skills, the incorporation of feedback and the development of reflective practice.</i> The identification of the need for PLT reform provides an important opportunity to review ALL stages of legal education and training to ensure a rigorous and valuable professional pathway for law students and graduates.
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? See 3.1. The effectiveness of a PLT course can only be assessed after the academic and post-admission changes are detailed, for example, at what stage are skills to be taught and assessed in the degree, what are specific skills to be covered in the PALT stage?

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? This proposal requires further consideration, for example, will accrediting bodies approve the inclusion of PLT in law courses, as is the case with the UTS Bachelor of Laws? A key concern if PLT is not designed as a graduate program is the potential for a reduction in the quality and standard that TEQSA requires. Equitable access to education is another key concern because fee-help is available to students with TEQSA accredited courses. Will national and state bodies provide financial support for students to ensure equity of access to PLT?
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? See above. A professional program leading to admission to practice law should be regulated to ensure quality, consistency and transparency.
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 is a critical concern on the basis of equitable access to education and training. In person delivery disadvantages many students, not just the exceptions. Education has advanced beyond in-person attendance as the only effective form of delivery. Hybrid and online courses are being successfully delivered, both in law and in other professions. For example, UTS offers an online Graduate Diploma in Migration Law and Practice which has graduated competent migration advisors. This course is approved by the Office of the Migration Agents Authority. A blend of synchronous and asynchronous delivery replicates contemporary business, for example, some court processes have moved online, some components of legal practice are online. Equitable access to education also requires access to full time and part time programs.

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? Yes. PLT standards should be aligned with the assessment requirements prescribed by TEQSA.
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? Yes, as there is currently inconsistency across jurisdictions.
Workplace experience	
7.1	Do you support the LACC retaining the requirement for a minimum of 15 days of workplace experience prior to admission? As a general statement, workplace experience is a key concern in PLT due to the inconsistency in the quality of supervision, for examples, some placements are unpaid, others are not adequately supervised, some students only undertake administrative tasks. If workplace experience continues to be a component of PLT, there must be a commitment from the profession, professional associations and regulators to ensure quality, consistency and transparency. Yes, provided there is a commitment from the profession to nominate as supervisors and to ensure workplace experience is a positive and valuable professional learning experience for students. The 15-day workplace experience was introduced in the UTS PLT program in Autumn session this year. Students have feedback to us that some employers are reluctant to engage them for 15 days as this is insufficient time for induction and there is a concern that students will leave after 15 days. As noted above, the major concern with workplace experience is that some placements are unpaid. The profession should consider advocating for the inclusion of law students in the Commonwealth Prac. Payment program.
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? Yes, a definition of workplace experience should include a range of skills that students must undertake and a definition for supervisory requirements.

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? Yes. Practitioners should be offered training. Supervisors should be incentivised to take on the role e.g. CPD points, subsidised CPD, reduction in practising certificate fees, specialist accreditation and awards for supervisors.
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. There is a body of literature on training for supervisors that could be included, for example, setting goals, giving feedback, working through ethical challenges, mentoring. Training should be delivered to align with the needs of supervisors and supervisees: in-person, online or hybrid. This training should be costs-neutral to ensure sole and small firm practitioners and community and government lawyers can participate.
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? UTS Law currently approves PLT Workplace Experience. There are insufficient resources to require PLT providers to certify work placements. This is the role of the profession.
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, it is not feasible for PLT providers to source placements. This is the role of the profession.

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? As noted at 3.1, a final response can only be submitted once further details as to the other two stages is agreed on.
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. Yes, as this is a uniform method of managing lawyers' obligations.
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? If the aim of PALT is for graduates to deepen their knowledge and skills in particular areas, then barristers are able to undertake PALT in their chosen area and/or in related skills, for example, advanced advocacy, drafting submissions.
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? Yes, there needs to be greater scrutiny of PALT providers than there currently is for CPD providers. If PALT is part of a university course, TEQSA requirements would ensure quality and rigour.
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? Practice areas and general skills, for example, advanced advocacy, effective cross-examination, drafting submissions, negotiations.
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? This could be part of the two year restricted practising certificate.

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 5.1.
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? Yes, if PALT is not part of a TEQSA-accredited course.
19.1	Do you support the proposal that PALT should incorporate rigorous assessment? Do you have any views on the parameters for this requirement? Yes, assessment be rigorous and should reflect the learning objectives of PALT.
Clinical legal education	
20.1	Do you support the Committees considering options for the inclusion of clinical legal education as a component of PLT? As a general statement, UTS Law supports the ability of law students and graduates to contribute to pro bono work and clinical legal education. However, as a law school working closely with CLEs, we are aware of the challenges and constraints they face in delivering legal services. There should be funding support for CLEs to take up an educative role. Yes, if it feasible for CLE providers to effectively accommodate graduates and to receive a benefit from the graduates' contribution.
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 Given that CLEs may not be able to accommodate all graduates, this should be optional. Yes, students should be able to draw on CLE experience undertaken in the degree.
20.3	If clinical legal education is optional, should completion of clinical legal education satisfy the requirements for PALT? This requires further consideration as to whether the CLE work must be in areas that the graduate is practising in, or intending to practice in.

20.4	Who should be responsible for delivering and supervising clinical legal education? The profession in conjunction with CLE providers.
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
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
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? Yes
Implementation timing	
22.1	Do you support the proposed transitional arrangements and implementation timeframe set out at Proposal 22? See 1.3 above. There will also need to be transitional arrangements in place, for example, for students mid-way through their law course who have not completed any skills training.