

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.

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

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- ☒ Yes
- ☐ No

Responses to consultation questions

Note: As we have not answered all questions, for ease of reference, we have highlighted yellow the relevant headings and numbering (in the left-hand column) of the table below those sections/questions we have answered.

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? UOW already has a number of practical skills incorporated within its LLB degrees, reflecting the value that UOW School of Law places on teaching and assessing practical legal skills within the law curriculum. This includes two dedicated skills subjects, LLB1115 Legal Skills and LLB2225 Advanced Legal Skills, as well as teaching of practical legal skills in other law subjects within the curriculum. We also note the UOW LLB degree has a compulsory 20 day Legal Internship Program where students must complete a legal placement eg in a law firm, government legal department, community legal centre or with a judge in a court. As a general proposition, we support the need for continued reconsideration of the content of law degrees to ensure that the law curriculum remains fit-for-purpose in its role as part of the required training for new lawyers (together with eg PLT and ‘on the job’ training and mentoring). This includes consideration of the practical skills that should be taught in law schools. However, we suggest that further and more in-depth consideration and consultation be undertaken in relation to the proposed changes to law degrees, given that the main focus of the current consultation paper relates to the review of PLT. We have raised consideration of the appropriate timeframe to implement the proposed changes and suggested amendments to the proposed skills schedule in 1.2 and 1.3 below. We note a number of these matters were also raised with the NSW LPAB as part of their consultation on the proposed practical knowledge and skills.
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? Clarification of which practical skills need to be assessed: Appendix F states in the introductory matter (p83): ‘Nor would all of the listed matters [in the skills schedule] necessarily have to be assessed by universities, although the extent to which they were assessed could be considered as part of the accreditation process.’ We note that this results in uncertainty for law schools as to which skills <i>must</i> be assessed and the extent to which the listed skills must be assessed in order to maintain accreditation. If a purpose of the skills table is to identify practical knowledge and skills that are considered important to be taught and assessed within a law degree, which skills are required to be taught and assessed should be clearly identified. This will ensure that the same knowledge and skills are taught across all law degrees (similarly to the Priestly 11 content). If it is

	considered that not all skills need to be taught (or assessed) within a law degree, we suggest that a shorter list should be adopted which clearly sets out which skills must be taught and assessed. Clarification of whether listed matters are solely a knowledge requirement or also a skill required to be assessed: The heading for column 2 of the table in Appendix F refers to '[p]ractical knowledge and skills' that are then listed. Column 3 indicates '[w]here assessed simulation could be included in law degree'. It is noted that some clarification may be needed as to whether some matters listed in column 2 are solely a knowledge requirement, or also require testing of a skill in a law degree. For example, under 'Record-keeping and matter management', a listed matter is '(iii) Understand the importance of keeping the client informed in a timely manner of all significant developments in a matter' (p86). Does 'understand the importance of...' simply require students to gain the knowledge of why that matter is important, or does that matter also need to be assessed as a skill via a 'simulation' (as indicated in column 3)? Reconsideration of the number and specificity of the practical skills to be taught and assessed: We suggest that some further consideration could be given to the number of practical skills required to be taught and assessed and the level of specificity with which those skills are prescribed. For instance, Appendix F lists a number of different practical knowledges and skills under 'Communication' in relation to: '(vi) Ability to undertake such communications with clients, practitioners and others: (a) in formal documents (e.g. letters), electronically (e.g. emails) and by direct interaction (in person, by phone or online); and (b) having regard to the nature of the audience, including with respect to life experience, sex, age, language ability, and their cultural, racial, religious and educational background.' (p84) It is unclear, for example, whether law schools are required to assess skills in relation all of the different forms of communication specified in (vi)(a) eg phone calls, and all of the different characteristics listed in (vi)(b). The knowledge and skills in (vi) have been linked to all of the other forms of communication listed in (i)-(v) in the skills table (see comment in column 3 of the table: 'These abilities attach to the previously listed communication abilities'), namely instructions, provision of advice, interviewing witnesses and oral presentations. Consideration could be given as to whether some of the skills in the table could be described at a more general level eg ability to provide advice in written or oral form, or ability to communicate in written and oral form with eg clients, other legal practitioners and the courts. We use these as examples only. Clarification of how the practical skills can be assessed and the need for flexibility in assessment approaches: There are a number of proposed practical skills that would need to be taught and assessed. Consideration should be given (and guidance provided) as to how these are required to be assessed, namely whether each skill needs to be assessed as a 'stand-alone' task or whether such tasks could be integrated into class activities and assessed as part of, for example, a class participation mark.
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	We suggest that there should be flexibility in how the different practical skills may be assessed, particularly given the number of skills proposed. Most UOW Priestly/core law subjects have an in-class participation ('CP') assessment together with a mid-session assessment task and an exam. CP is assessed based on participation in class (including seminar exercises and activities) across all seminars throughout session and is usually worth 10% total. It would be beneficial for a number of the suggested practical knowledges and skills to be assessed via in-class formative exercises assessed via the CP assessment task, rather than as a separate substantive 'stand-alone' assessment task. While some of the practical knowledges and skills may be addressed via existing tasks such as assignments or exams (or amendment of existing tasks), requiring separate individual assessment of every skill (outside of class exercises and participation marks) may not be feasible. For example, including an additional oral assessment task may impact upon the amount of time that could be spent on teaching content required for the Priestly prescribed areas of knowledge as this may require removing a teaching week in order to run and assess an oral assessment task for large student cohorts. Adding additional tasks can also increase teacher marking loads (and cost of casual staff) beyond agreed workload marking time allocations per subject, together with increased time spent on administration of organising students into individual assessment times for oral presentations. Appropriate year/level of study: We suggest that further consideration be given to the appropriate year and level of study of a proposed required practical knowledge and skill. A number of knowledges and skills were identified in the table as suitable for either Contracts or Criminal Law and Procedure. It is noted that these are first year subjects within the UOW degree. Accordingly, there may be a number of years between exposure to these knowledges and skills and entry into practice. Some skills may be more suitable for later year students who have developed greater subject knowledge and related skills. First year students are still trying to develop a basic understanding of skills such as how to undertake legal research, how to read, interpret and summarise a case, how to write a legal advice and how to reference. They may find it difficult to undertake tasks such as interviewing a witness or preparing an affidavit. Further flexibility as to where particular practical knowledge and skills can be taught: Following on from the above point, we also suggest that unless it is essential for a particular knowledge or skill to be taught in a particular Priestly subject, flexibility should be provided as to where particular practical knowledge and skills could be taught and assessed. If a number of skills are identified as appropriate to be taught and assessed in a small number of subjects (eg Criminal Law and Procedure, Civil Dispute Resolution and Ethics and Professional Responsibility) this may result in 'overcrowding' of curriculum and assessment in those subjects and less time to focus on doctrinal knowledge and assessment relating to Priestly 11 content. Permitting flexibility in teaching and assessing identified practical knowledges and skills across a wider range of subjects may prevent curriculum overcrowding and permit appropriate sequencing of skills across different stages of the degree curriculum.
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	Knowledge and skills identified as ‘inherent in obtaining a law degree’: Some practical knowledge and skills were identified in the table as ‘...inherent in obtaining a law degree’. We agree that some of these skills, such as locating legislative provisions and leading authorities, are appropriately identified as inherent in obtaining a law degree, and are skills that are likely to be assessed in multiple tasks throughout the degree. However, for some knowledges and skills identified as ‘inherent in obtaining a law degree’ it is unclear from the table as to whether these skills are required to be taught and assessed, and if and how they could be assessed. For example, under the category ‘Ethics, Professional Responsibility and life as a lawyer’, an identified practical knowledge and skill is ‘(vii) Exposure to techniques to build resilience, flexibility, an ability to deal with uncertainty, to adapt to change and to cope with stress’ (p89). The ‘[w]here assessed simulation could be included in law degree’ column indicates ‘Ability to address these matters should be inherent in obtaining a law degree’. However, it is unclear if this matter needs to be taught and assessed, noting matters such as building resilience and coping with stress are matters that may be difficult to assess through a simulated task. Level of knowledge and skill expected: Given most of the skills are indicated as being suitable to be covered in both the law degree and PLT training, it is suggested that some differentiation could be made in terms of the level of coverage/skill expected in a law degree versus PLT. For instance, exposure to knowledges and skills in a law degree, versus demonstration of competency of skills in PLT. Further consideration should be given as to whether some (or parts) of listed practical knowledges and skills are more suitable to be taught in PLT rather than a law degree. Missed knowledge/skills requirements: As discussed, we would support the need for flexibility in the ways that skills can be assessed. However, clarification/guidance is needed as to what (if any) consequences follow were a student to miss the teaching and assessment of a particular skill. For example, where skills may be assessed via in class exercises and class participation, what consequences follow (if any) if a student misses a class which covers that skill? What happens if a student fails a task that assesses a particular knowledge or skill? Is satisfaction of the listed skills mandatory for students to obtain a law degree? Reasonable adjustments: We suggest that consideration and guidance should be given as to how students with reasonable adjustments based on conditions registered with the university can be supported where their condition impacts their ability to meet some skills/undertake related assessment tasks. For example, difficulty with public speaking or group work. Existing students: Further clarification is needed as to how the proposed new skills requirements will apply to students who are already part way through their law degree. Credit for Prior Learning: Consideration should be given to any potential impacts on credit for prior learning when a student transfers from one university to another part way through their law degree. It can already be complex to assess
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	whether a student should be given credit for a Priestly/core subject at one university, when the prescribed areas of knowledge may be taught/partly taught across different subjects at another university. Where there are differences between universities in where particular proposed practical knowledges and skills are taught, this may complicate whether a student should be given credit for a prior completed Priestley subject area. For example, if a student had completed Criminal Law and Procedure at a university which did not assess a particular skill that is assessed in Criminal Law and Procedure at the university they are seeking to transfer to, should they be required to complete/redo the Priestly subject/content at their new university solely to complete the required skill? While reducing flexibility in terms of the subject area in which a particular skill is taught might reduce such complexities, overall we suggest that it is preferable to allow greater flexibility in the subjects in which particular practical knowledges and skills can be taught and assessed. Further consideration should be given, however, as to how transferring students could meet ‘missed’ practical knowledges and skills (and if they would be required to do so).
1.3	Would law schools be able to implement these changes by the beginning of the 2028 academic year, as proposed? UOW already has a number of practical skills incorporated within its LLB degrees. However, given the number of practical skills proposed, law schools would need sufficient lead in time to allow for curriculum redesign to be properly planned across the degree curriculum and within individual subjects where new practical skills would be required to be taught and assessed. This may require the allocation of additional staff workload to focus on curriculum redesign of subjects. Additional time needed for curriculum redesign may result in the consequent reduction of existing teaching responsibilities/workloads to allow sufficient time to work on curriculum redesign. Consequently, this may result in need to hire additional replacement staff to teach into subjects to allow designated staff to work on curriculum redesign, or hiring of new staff to teach practical legal skills. Hiring of additional staff would require support and approvals for recruitment at Faculty level (and above), as well as time for recruitment processes to be undertaken. It is noted that a number of universities are currently facing financial pressures. Changes to assessment tasks may require obtaining approval for changes through university approval processes, such as Faculty Education Committees. Academic staff need appropriate time to plan and request approval for any necessary curriculum and assessment changes at School and Faculty level. We note that Law Schools are also currently considering many other curriculum redesign issues which take time and care to properly address. This includes matters such as how to address issues relating to generative artificial intelligence within curriculum and assessment, greater inclusion of Indigenous perspectives and experiences within law degrees and consideration of how to address issues such as climate change within the core curriculum. We note this because in determining an appropriate time frame for implementation, consideration needs

	to be given to the additional time that needs to be spent on other pressing curriculum matters, beyond the proposed practical legal skills. Further, in determining whether to introduce practical legal skills into law degrees, consideration could also be given as to whether changes need to be made to the Priestly 11 content to reflect contemporary issues and ensure appropriate time can be split between focusing on teaching and assessing doctrinal content and practical skills. We suggest that reconsideration be given to whether 2028 is an appropriate time to commence the proposed reforms, noting also that some reconsideration may be given to the content of the proposed practical skills as a result of consultation. Law Schools need to be certain of the final version of any planned changes before commencing curriculum changes and then have sufficient time to redesign, seek approval for, and implement any changes.
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? UOW School of Law has provided feedback on matters specifically focused on the law degree rather than detailed feedback on all other issues relating to other matters, such as PLT. However, we note that some general feedback has been provided on some other topics below.
2.2	Do you suggest any amendments to the categories or skills set out in the skills schedule at Appendix F? We note our comments made above, in the context of the law degree
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?
2.4	Should the option for graduates to undertake Supervised Workplace Training as a way of completing PLT be retained?

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?
2.6	Should there be any other amendments to Supervised Workplace Training?
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? Similarly to our comment in relation to law degrees, as a general proposition, we support the need for continued reconsideration of PLT to ensure that it remains fit-for-purpose in its role as part of the required training for new lawyers. We do not wish to provide detailed comments on aspects of PLT reform given that UOW is not a PLT provider. However, in terms of reform of PLT (and the related PALT proposals), we suggest the need for further consideration of any potential unforeseen or unintended impacts of the proposed amendments in terms of cost, equity and barriers to entry to the profession. Specifically we note: • If PLT is not provided via a graduate diploma then, as the consultation paper notes, this removes the availability of FEE-HELP (p44). While a shorter course of 4 weeks would be expected to cost less than a 6-12 month graduate diploma, it would presumably require upfront payment of fees. This may make PLT unaffordable (and unobtainable) for some students, creating an unintended barrier to the profession and an equity issue. • While it is noted in the consultation paper that PLT providers could still provide a graduate diploma (p44), and students could still undertake one, again, this would create a potential equity issue. Those that could afford to pay for the shorter 4 week course (or perhaps have an employer who will cover the cost) would gain ‘expedited’ entry to the profession. Those that could not afford to pay upfront may have no other option than to complete a graduate diploma in legal practice (assuming PLT providers continue to offer them), delaying their entry into the profession in comparison to their peers. As the consultation paper notes (in the context of whether PLT should be delivered in person) ‘[a]ny change which inadvertently reduces access to PLT or reduces diversity in lawyers is not desirable’ (p45). • The related proposal to introduce a 15 hour PALT requirement for the first two years of practice may also have unintended equity impacts given new

	lawyers will need to pay for this training. While it is noted in the consultation paper that there would be ‘associated tax deductions’ (p54), again this may create equity issues given the upfront payments required for this additional training in the first two years of practice. For example, those in lower paying graduate jobs (eg community legal centres or government) would be at a potential monetary disadvantage compared to those in higher paying jobs or those employed in larger law firms which could potentially cover the cost of PALT. Other groups, such as single parents, may find these additional costs prohibitive. Again, this may create potential equity issues which create a barrier to entry into, or remaining in, the profession. We suggest that issues around cost, equity and impacts on entry into (or remaining in) the profession require further careful consideration prior to any changes being implemented.
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?
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? See comments above
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?
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?
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?

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?
Workplace experience	
7.1	Do you support the LACC retaining the requirement for a minimum of 15 days of workplace experience prior to admission?
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?
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?
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? As the PLT review has sought to consider the appropriate training for new lawyers across different stages, we would support further consideration being given to the importance of supervision and mentoring of newly admitted lawyers. It is important that proper consideration be given to the effectiveness of all stages of training of new lawyers, from the law degree to PLT to 'on the job' supervision and training and further education through PALT and CLE. Supervisors play an important role in mentoring and developing the practical skills of new lawyers. As such, we would suggest that the question is not whether there is a need to 'review the training that is offered to lawyers <i>who wish</i> to improve their supervisory skills' (emphasis added), but rather that there needs to be consideration of what training (including ongoing training) <i>must be</i> undertaken by those who are supervising (or eligible to supervise) new lawyers.

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? See comments above. We do not wish to provide specific feedback on what the training should comprise as we think this is a matter that is more appropriate to be determined by the profession and relevant providers.
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? We support workplace experience undertaken during studying a law course counting towards the PLT requirements. This could be either paid employment positions or voluntary legal placements organised as part of a law degree. It is noted that the UOW law degree requires students to complete a compulsory 20 day Legal Internship Program as part of their degree, involving placement in eg a law firm, government legal department, community legal centre or placements with judicial officers. We note that any system of standards set or certification by PLT providers needs to be designed to operate in a workable manner. A rigid set of standards and skills to be met during a placement may not be practicable in the context of current internship programs because of the diversity of workplace experiences that students may be undertaking, such as placements with a judge in court.
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?
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? Please refer to our comments under 3.1 above
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.

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?
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?
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?
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?
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?
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?
19.1	Do you support the proposal that PALT should incorporate rigorous assessment? Do you have any views on the parameters for this requirement?
Clinical legal education	

20.1	Do you support the Committees considering options for the inclusion of clinical legal education as a component of PLT? We suggest that careful consideration be given to whether clinical legal education in the form of legal clinics should be introduced as a mandatory (or optional) requirement. Doing so could create equity issues, particularly for students and new lawyers located in regional areas where the availability of legal clinics may be limited. As noted, the UOW law degree has a compulsory Legal Internship Program involving a 20 day legal placement with eg a law firm, government legal department, community legal centre or judicial officer. We support credit being given towards PLT for such placements, but note legal clinics are of a different nature to our legal internships placements. See further our comments under 20.2 below.
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 We note our cautions above regarding whether clinical legal education in the form of legal clinics should be a mandatory component of PLT. In terms of whether credit should be given for clinical legal education undertaken as part of a law degree, we note that permitting this may create potential equity issues for students studying at regional universities or within smaller law schools. There may be less opportunities to partner with external legal clinics for such universities, smaller law schools may be limited by potential cost implications of offering clinical legal education and there are additional risk factors involved in legal clinics that may make it harder to get university approval to set up new legal clinics (eg who bears the risk of any potential liability for legal work).
20.3	If clinical legal education is optional, should completion of clinical legal education satisfy the requirements for PALT?
20.4	Who should be responsible for delivering and supervising clinical legal education?
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?

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? See our comments under 10.1 above
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, see our comments under 10.1 above regarding the important role of supervising lawyers.
Implementation timing	
22.1	Do you support the proposed transitional arrangements and implementation timeframe set out at Proposal 22? We suggest that further consideration be given to when the proposed changes should commence to ensure sufficient lead-in time is given to work on the proposed curriculum changes within law degrees. See our comments under 1.3 above.