



SUPREME COURT
OF NEW SOUTH WALES



Legal Profession
Admission Board
of New South Wales

Discussion Paper on PLT Reform

Legal Profession Admission
Board of New South Wales

Issued 30 September 2025

Introduction	4
1. Executive summary	6
2. Current legislative framework for training of entry level lawyers	13
2.1 Law degrees.....	14
2.2 The role of TEQSA.....	15
2.3 PLT.....	15
2.4 The statutory condition of supervised legal practice	18
2.5 Practice Management Course.....	18
2.6 Continuing professional development.....	18
2.7 Accreditation as a specialist/ study in specialist areas	18
2.8 Admission to the NSW Bar	20
2.9 Barrister's CPD obligations	20
3. The changing nature of law students	21
4. The changing nature of the legal profession	24
4.1 The Bar.....	24
4.2 Solicitors.....	25
5. PLT in NSW	29
5.1 The College.....	29
5.2 UNSW GDLPP	33
5.3 UTS.....	34
5.4 Newcastle GDLP	36
5.5 Leo Cussen GDLP	36
6. The PLT Survey	38
6.1 Development.....	38
6.2 Results of the PLT Survey.....	41
7. Working groups, consultations, submissions and other feedback	50
7.1 PLT Working Group.....	50
7.2 LPAB PLT Working Group.....	50
7.3 Meetings, feedback and submissions from lawyers	51
7.4 Submissions received by the LPAB and the Chief Justice following release of the Urbis survey and report.....	51
7.5 Feedback received from PLT providers	51
7.6 Feedback from meetings with law schools	51
8. Critique.....	52
9. Some Options for reform.....	65

<i>9.1 Abolish PLT altogether</i>	65
<i>9.2 Maintain current PLT with amendments</i>	66
<i>9.3 Develop PLT for specific discipline areas</i>	75
<i>9.4 PLT as elective subject(s) or otherwise as part of law degrees</i>	77
<i>9.5 Introduce a PLT exam prior to admission</i>	86
<i>9.6 Introduce a PLT exam after admission</i>	90
<i>9.7 LPAB to offer PLT at lower price by engaging another provider following as a model such as the LEC provision of the LPAB's Diploma of Law</i>	91
<i>9.8 Make admission subject to a more restricted certificate with mandated CPD or equivalent for first 2 or 3 years</i>	93
<i>9.9 Reviewing and expanding the PMC</i>	98
<i>9.10 Reviewing and expanding specialist accreditation/ mandate specific studies in a discipline area for those wanting to practice or to practice as a principal</i>	98
10 Recommended Option: A shorter pre-admission requirement and greater post-admission requirements for 2-3 years post-admission	99
<i>10.1 Interim changes in NSW</i>	100
<i>10.2 Future change</i>	101
<i>10.3 Key features</i>	103
Attachment A: Current legislative framework for training of entry level lawyers	105
<i>A.1 Law Degrees</i>	105
<i>A.2 The role of TEQSA</i>	111
<i>A.3 PLT</i>	114
<i>A.4 AQF levels and the currently offered PLT qualifications</i>	125
<i>A.5 The statutory condition of supervised legal practice</i>	130
<i>A.6 Practice Management Course</i>	131
<i>A.7 Continuing Professional Development</i>	132
<i>A.8 Accreditation as a specialist/ study in specialist areas</i>	133
<i>A.9 Admission to the NSW Bar</i>	135
<i>A.10 Barrister's CPD obligations</i>	135
Attachment B: The Current Priestley 11	136
Attachment C: Summary of Consultations with practitioners.	145
<i>C.1 Meetings with suburban practitioners</i>	145
<i>C.2 Meetings with rural lawyers</i>	146
<i>C.3 Meetings with large firm lawyers</i>	149
<i>C.4 Meetings with government lawyers</i>	149
<i>C.5 Meetings with entry level lawyers</i>	154

<i>C.6 Meeting with Lawcover</i>	156
Attachment D: Submissions received by the LPAB and the Chief Justice following release of the PLT Survey and Urbis report	157
Attachment E: Feedback received from PLT providers	164
APAC	170
Attachment F: Feedback from meetings with law schools	172

Introduction

In 2024, the Legal Profession Admission Board (LPAB) received expressions of concern about the quality, efficacy and cost of Practical Legal Training (PLT) in New South Wales (NSW). Such concern had existed at an anecdotal level for many years, especially as the rising cost of PLT and the shift to greater online teaching after the pandemic became more apparent. In late 2024, the Chief Justice, in a meeting with the Chairman and the then Chief Executive Officer of the College of Law (the College) raised his concern that the College, the dominant provider of PLT in NSW, had accumulated “reserves” of approximately \$180 million. That expression of concern led to an almost immediate reduction by 13.7% of fees charged by the College to \$9,200 for a base course including 75 days’ work experience.

On 6 February 2025, at the 2025 Opening of Law Term Dinner, the Chief Justice delivered an address titled “Present and future challenges to the rule of law and for the legal profession” which included remarks about the high cost of PLT and the barrier to entry that those fees create.¹ In order to ensure an evidence based approach to these concerns, the Chief Justice announced a survey into the provision of PLT in NSW. In the course of February 2025, Urbis, on behalf of the LPAB, conducted surveys of graduates and supervisors in relation to their experiences of PLT (the PLT Survey). The results of the PLT Survey were released on 14 April 2025, to members of the Law Society of NSW (the Law Society), PLT providers and the Deans of NSW law schools.

The PLT Survey was principally directed towards practitioners who had completed PLT in the last decade as well as those who have supervised practitioners in that period. Over 2,500 responses were received from the cohort of recently admitted practitioners, and over 2,000 from supervisors, numbers which generate statistically significant results. The responses to the PLT Survey provide much valuable data and have also generated some serious concerns about the cost and quality of PLT available in the marketplace.

Only 43% of recent graduate respondents considered assignments were practical and career relevant with only 40% considering that methods of teaching were satisfactory. Only 13% of recent graduate respondents considered that the course was reasonably priced. The PLT Survey illuminated various problems with the current provision of PLT. Shortly put, PLT is not properly performing the task for which it was created. PLT is expensive and time consuming. For many students it is, at least in large part, considered to be a “box-ticking” exercise which does not prepare them for their work as graduate lawyers. The work experience component is burdensome and often unpaid, without leading to employment at the end. The most valuable component of the PLT program, according to the PLT Survey results, was that undertaken face to face and in person to develop practical skills. This component of the course, at least as offered by the College, had reduced in its length following the pandemic.

In deciding how to respond to the data provided by the PLT Survey, the LPAB invited a large number of legal practitioners to come together as a PLT Working Group to discuss possible reforms to PLT.

It was quickly determined that, while the PLT Survey provided a rich source of initial data, to understand the nuances thrown up by the data and to identify possibilities for genuine reform of

¹ The Hon A S Bell, “Present and future challenges to the rule of law and for the legal profession” (Opening of Law Term Dinner Address, Law Society of New South Wales, 6 February 2025), available at < https://supremecourt.nsw.gov.au/documents/Publications/Speeches/2025-speeches/bellcj/CJOLTD_20250206.pdf>.

PLT and to ensure that any reform proposals were evidence based, it would be necessary to dig deeper via detailed consultations.

Members of the PLT Working Group were responsible for putting together focus groups with practitioners to discuss possibilities for change and reform, both in the short and in the long term.

The LPAB took the view that the legal profession should be involved, as closely as possible in any possible changes to PLT. Extensive consultations were undertaken. In particular, the LPAB was grateful to meet with legal practitioners from regional and rural NSW, from smaller firms, with the large law firm group, public sector lawyers including Crown Solicitors, the Commonwealth and State Directors of Public Prosecution, Legal Aid, the Australian Government Legal Service (AGLS), Redfern Legal Centre as well groups of recent PLT graduates, suburban lawyers, NSW Law Schools and all existing and proposed PLT providers in NSW. Summaries of those consultations are provided in Attachments C, E and F. Submissions from practitioners and stakeholders were also solicited or volunteered, a number of which are summarised in Attachment D.

An Executive Summary of this extensive consultation and analysis follows. The goal of this exercise has always been and remains clear and simple: to increase the quality and reduce the cost of PLT. The review process undertaken to date strongly suggests that too much is currently being sought to be achieved under the existing PLT framework with the consequence that too little is achieved in terms of meaningful skills, training and education. And the cost of that is largely being borne by young lawyers who are already likely to have accumulated very heavy FEE-HELP debts in their university studies.

The Chief Justice thanks all of those who have participated in the review and reform process thus far, including those who responded to the PLT Survey, the PLT Working Group, all of those who participated in the extensive consultations and the President and Chief Executive Officer of the Law Society of New South Wales. In particular, the Chief Justice acknowledges the huge amount of work undertaken in the review process and the preparation of this Discussion Paper by the Presiding Member of the LPAB, Justice Tony Payne, assisted by Justice Jeremy Kirk and Emeritus Professor Michael Quinlan.

Chief Justice Bell

Justice AJ Payne

Justice Jeremy Kirk

Emeritus Professor Michael Quinlan

1. Executive summary

PLT was designed as a bridge between completion of a law degree and entering legal practice, originally to replace articles. PLT is no longer fit for purpose.

The environment in which PLT was first imagined, and has since been updated, no longer exists. The legal profession today involves a wide range of different practice types and discipline areas. PLT does not currently prepare graduates adequately for any or all of those varied forms of practice. It would be unrealistic to expect that it might be able simultaneously to prepare graduates for large firm commercial, finance, litigation and dispute resolution practice, for practice within the corporate, government, criminal law or not-for profit/charity sectors, for rural or suburban general practice and for specialist practice such as family, migration, insurance or insolvency law. Moreover, a number of the current compulsory and optional courses provided as part of PLT either replicate or overlap significantly with disciplines law schools are required to teach as part of the Priestley 11.

The current PLT Competency Standards found in Schedule 2 to the *Legal Profession Uniform Admission Rules 2015* (NSW) (the Competency Standards) are in general unrealistic and do not reflect what a PLT program can reasonably be expected to achieve, in any realistic timeframe in a cost-effective way. For the competencies that all law graduates must study (i.e. all competencies other than the two optional requirements) there is a total of 146 performance criteria. Whilst some exposure to a large number of tasks and skills might be achievable, the idea that 146 separate competencies can be acquired by all entry level lawyers by reason of completing a PLT program is quite unrealistic.

The current Competency Standards include mandatory content (for example in Property Law) which will not be relevant to many practitioners. They also include only a limited number of Optional Areas, not all of which and, in some cases, none of which will be relevant to many new entrants to the legal profession.

Further, what is expressly or implicitly expected of newly admitted lawyers set out in the Competency Standards cannot be achieved simply by teaching as opposed to doing – and doing in context and in practice. Moreover, the required competencies need to be more appropriately focused on what is required by a very diverse, varied legal profession practising in the 21st century. Expanding the competencies required to be taught between completion of a law degree and entering legal practice, would ensure that PLT is even longer and likely even more expensive. More fundamentally, such an expansion would be quite counter-productive given that the best place to acquire the practical legal skills that a new lawyer needs is in the workplace.

As to method of delivery, to the extent a separate PLT bridge between completion of a law degree and entering legal practice is valuable, it should to the greatest extent possible be face to face (and not synchronous audio-visual link (AVL) or some other delivery method). Whilst online learning can be well designed and structured, face to face time is critical to the development of relationships and to enculturation into the legal profession. Feedback about the importance of relationships formed during PLT, particularly to regional and remote lawyers, stressed that in the legal profession colleagues with different specialisations, who can act as sounding boards to ethical and other professional conundrums and who can act as agents or provide recommendations for other lawyers are extremely valuable. Particularly where PLT is completed by cohorts who have not studied their law degree together, the time spent together face to face during PLT can perform an important role in maintaining and building the sense of camaraderie

and belonging which is essential for a profession. These relationships are not just developed between students in the cohort but also ideally with the lawyers who are instructing and guiding them in the PLT delivery.

Perhaps the point made most emphatically in the course of the LPAB's consultations about PLT is that work experience, in a particular workplace, is the best teacher of the practical legal skills that a new lawyer will need to operate both as a lawyer generally and in their own new workplace. 75 days of pre-admission work experience, which is a feature of much of the PLT currently on offer, is, however, far too long, especially where for many law graduates, it is unpaid and unrewarding and, in some cases, just not practically feasible. PLT as currently conceived is completed *prior to* admission to practice. There is no reason, however, why it should not continue post-admission and in the context of recent graduates having commenced practice but while still under supervision. In this context, the Competency Standards and Admission Rules² currently require that law graduates choose two out of eight optional practice areas to study prior to admission. No doubt these are intended to develop specialist and advanced skills. Yet such skills are more realistically able to be developed over time and in practice.

The LPAB's preferred approach

Current PLT programs are generally structured as post-graduate qualifications. To meet the Australian Qualification Framework's (AQF) requirements for an AQF-8 accreditation involves time and expense, as the Tertiary Education Quality and Standards Agency (TEQSA)³ requirements, including as to volume of learning and teaching staff qualifications, must be met. This means that PLT programs are usually time-consuming and expensive. One apparent benefit of PLT programs, meeting the requirements of AQF qualifications, is that some students are eligible for FEE-HELP and some positions may attract Commonwealth Supported Places (CSPs). However, some students, particularly those who have completed their law degree⁴ as a Juris Doctor (JD), are not able to access FEE-HELP having already borrowed the maximum permissible amount. For others, the availability of FEE-HELP may add significantly to the level of debt under which a new practitioner starts their career. Law degrees are themselves expensive and students accessing FEE-HELP nevertheless are required to make repayments to the Commonwealth, in due course, as they meet the relevant income thresholds. Additional and unnecessary debt is undesirable for new legal practitioners for many reasons. To the extent that the cost of PLT can be reduced, and the financial commitments spread over time, those goals should be pursued.

Identifying the essentials prior to admission

Whilst much training, of necessity must occur during employment in the profession, there are a number of essential and generic skills which all lawyers need. Skills essential for legal practice are best developed over time and through repetition rather than by the completion of one solitary task, assessment or simulation. There are also benefits to developing legal skills in context rather than in isolation. Once agreed upon, it is proposed that these essential skills will be gained during the completion of law degrees and in a short mandatory capstone PLT program (the capstone course).

² *Legal Profession Uniform Admission Rules* (2015) (NSW), sch 1 pt 2.

³ Tertiary Education Quality and Standards Agency.

⁴ For the purposes of the Discussion Paper, the term "law degree" refers to an accredited *Diploma in Law*, *Bachelor of Laws* or *Juris Doctor Degree*.

Whilst this Discussion Paper discusses some of those necessary skills, the first step in this option is to settle on those essentials. They may be limited to the core Skills and Values which are presently mandated in PLT or they may include some additional specific skills (such as some basic Civil and Criminal Court competencies) together with Work Experience of a minimum of 15 days.

Focusing in on essential requirements will reduce barriers to entry. Of course, there may be law graduates who still wish to undertake a longer graduate certificate or diploma in order to meet their PLT requirements and to benefit from the availability of FEE-HELP. That something lesser is required does not prevent the market offering lengthier (although more expensive) options.

Law degrees to incorporate mandatory practical content/assessments

The LPAB proposes that law degrees be required to embed identified practical skills and assessments throughout the degree in the context of the teaching of mandatory courses, at least in some subject areas. The extent to which law schools emphasise practical skills in their current teaching varies even though the Priestley 11 includes requirements, such as Civil Dispute Resolution and Criminal Law and Procedure, which should include a strong practical focus.

Further, courses addressing the Priestley 11 requirement of Ethics and Professional Responsibility should be required to be undertaken in the final year of law degrees, closer to the time that law graduates will be commencing practice. At present, the teaching of ethics is duplicated at law schools, as a Priestley 11 subject, and in PLT.

This proposal may involve some reconsideration of the content of Schedule 1 of the Admission Rules and/or the accreditation standards.

Work experience may be completed during the law degree

The LPAB proposes the retention of a 15 day work experience requirement but that this requirement may be met by appropriately certified work experience completed whilst studying a law degree. This is not currently permitted.

A short face to face and in person capstone PLT course of some 2-3 weeks duration

The LPAB proposes that the PLT course be undertaken face to face and in person over 2-3 weeks. The course will operate as a capstone, building on the practical skills included in law degrees and refreshing students with those skills as they enter the legal profession. There is room for argument as to the appropriate length of such a course – shorter, say 2 weeks, or longer say 4 weeks (as is required in the Bar Practice Course undertaken by new barristers in NSW).

The requirement may be met in a number of alternative ways:

- (1) Where, in addition to the embedded legal skills which will be required of all law degrees, the capstone content might be included at the end of a law degree. Where the requirement can be satisfied as part of a degree, as a microcredential or as part of a postgraduate degree, a separate PLT course would not be required of the graduate who could proceed directly to admission;
- (2) Where included in a *Graduate Certificate in Legal Practice (GCLP)* or *Graduate Diploma in Legal Practice (GDLP)* or similar postgraduate qualification, the requirement might be gained there; or

- (3) The requirement might be satisfied by undertaking courses taught by the Law Society in Sydney and by Regional Law Societies, and/or by approved graduate employers, by universities and by PLT providers in a focused and short course of 2-3 weeks duration.

It is hoped that the reduction in duration and the opportunity for the program to be run without the need to meet TEQSA and AQF requirements, will increase the opportunities for such a course to be provided in regional NSW. It should also result in far lower costs than are currently charged by PLT providers.

In order to develop an evidence base as to the optimum model the LPAB is proposing to require current PLT providers for the next 2 years to incorporate at least 15 days of face to face and in person teaching in their current PLT programs focusing on the Skills component. This will enable analysis of the duration required to deliver the necessary content as well as review of differing approaches to delivery including 15 consecutive days of delivery and a number of different approaches to the placement of the mandated 15 days of face to face and in person delivery.

Removing requirements for PLT to be taught at any AQF level

As PLT should be a very practical program, it is not necessary that it be taught as a formal AQF accredited qualification – and certainly not to the standard of being a graduate diploma. It is this current requirement which is dictating the length and cost of current PLT offerings – this is a case of the “tail wagging the dog”.

The shorter PLT program which is envisaged should be taught by practising and or retired lawyers with at least 5-10 years post-admission experience. Whilst PLT programs, which are not taught as an AQF qualification, will not attract CSPs or access to the FEE-HELP Scheme, this ought not be a driver for the mandating of a qualification, at a particular AQF level, for what should be a very practical program. What is proposed would not prevent PLT providers from continuing to offer a graduate diploma or certificate qualification, for which access to the FEE-HELP Scheme may be available.

Developing skills post-admission

Given the very diverse nature of the legal profession in terms of size and specialisation or focus, the LPAB proposes that rather than requiring all graduates to complete mandated Compulsory Practice Areas and to choose a limited number of Optional Practice Areas in which to receive training *before* admission, these should be moved to become post-admission continuing professional development (CPD) requirements overseen by the Law Society.

New lawyers would be required to complete more CPD points than experienced lawyers, say 15 additional hours in each of the first two years of holding a practising certificate. This additional requirement could take the place of the two optional practice areas currently required under the Competency Standards and the Admission Rules. The Law Society may provide credit to those students who have undertaken relevant further post-graduate study in a GCLP, GDLP, LLM (or equivalent) or microcredentials.

The key to the proper development of new lawyers is proper supervision. The onus for post-admission supervised practice currently rests with supervisors who, after completion of the requisite period of post-admission practice, certify that a lawyer is competent. Reform is needed in this process such that supervisors are engaged in the identification of the appropriate CPD necessary for the lawyer(s) under their supervision and more rigour is introduced into the

supervision process by way of mandatory supervision reports, structured training plans and performance assessments.

One attraction of an augmented post-admission skills requirement for new lawyers is that the cost of such programs would be tax deductible and the current cost of PLT would not only be reduced but payments would be spread over time, easing the current high cost burden of PLT for those that do not have access to FEE-HELP options or who do not wish to add to an existing but deferred debt burden.

Key features

Restricted practice for new lawyers with a requirement for extended CPD

- (1) All newly admitted lawyers would still be required to hold a restricted practising certificate issued by the Law Society.
- (2) This certificate would continue to require supervision in the first years of practice but might also limit practice to certain specifically designated activities until the additional 15 hours of CPD had been undertaken in each of the first two years. The restrictions might apply for example to taking clients on their own, appearing in contested hearings and to signing legal advices. This approach seeks to ensure that early-career lawyers practice under appropriate supervision and continue to develop their skills in a structured environment and in areas most appropriately targeted to their interests/desired practice areas.
- (3) Lawyers on such a restricted practising certificate would be required to complete compulsory, structured CPD courses focused on relevant practice areas. It is envisaged that new entrants would be mandated to complete 15 hours of in-person practical legal training over each of the first two years of their admission – i.e. 15 hours per year on top of the current general CPD requirements for NSW lawyers. This training would occur in specialist day-long in person courses of 7.5 hours each following the completion of prior set readings (being two days in each of the first two years). Each course may develop skills essential to the work that the lawyer is employed to do in 4 separate speciality areas or build expertise in a single area of specialisation.
- (4) These courses should be designed or approved by, and should be administered by, the Law Society (but may be able to be offered by existing PLT providers as well, subject to certification). They should include assessment of learning – with the possibility of the lawyers failing the assessment and having to retake that or another course – so that they are treated seriously by new lawyers and there is confidence in outcomes. Which courses are appropriate may depend on the work that an admitted lawyer is doing in practice.
- (5) Unlike traditional FEE HELP-funded programs, this ongoing education would be self-funded by participants or paid for by their employers, with potential tax deductions for course fees.⁵
- (6) The objective is that new entrants to the legal profession develop specialised skills which specifically relate to their discipline/area of practice. Unlike the current Competency

⁵ We do not rule out, however, that one or more of the existing PLT providers will seek to design and have accredited an AQF 8 level course covering both the capstone course and the necessary post admission training which may be eligible for FEE HELP funding.

Standards, which provide for limited specialist elective areas, options should be broad enough to meet the practical needs of contemporary lawyers within subject specialisation and relevant areas of practice. It is envisaged that targeted studies for Government Lawyers, Not-For-Profit/Community Legal Centres, In-house Counsel, as well as courses targeted on suburban, remote and regional and small/ medium and large firms and courses focused on specialist discipline areas (such as, for example, criminal law, immigration law, insurance law, insolvency, family law and property law).

- (7) To facilitate participation and to achieve not only the pedagogical benefits of face to face and in person learning but the relational benefits for the legal profession of interactions between members of the profession sharing practice or discipline areas, in person training is the intended model.
- (8) To enable attendance these training sessions will need to be made available in regional as well as suburban and city locations and offered at times convenient for early career lawyers such as in the evenings and on weekends.
- (9) Mid-level and senior and retired members of the Law Society would be strongly encouraged to participate in such programs, as a way of giving back to the profession and ensuring its competence, skill and integrity.
- (10) The system would function similarly to medical internships, where new professionals operate under progressive oversight before full independence.

Employer involvement and supervision

- (1) Employers would be required to provide structured oversight and mentorship for lawyers on a restricted practising certificate.
- (2) The degree of employer involvement could be formalised through mandatory supervision reports, structured training plans, performance assessments

Conclusion

Further submissions will be invited from the profession in relation to the proposed way forward as set out in this Discussion Paper. If the LPAB's currently preferred approach is pursued, the next stage of the reform process will be the detailed design of the pre-admission capstone course and the formulation and design of post-admission units of practical legal training.

As an initial step the LPAB has recently amended the accreditation of all PLT providers in NSW to require 15 days of in person and face to face teaching focused on the Competency Standards requirements for coverage of Lawyer's Skills, Work Management and Business Skills, Trust and Office Accounting, Ethics and Professional Responsibility and the skill development aspects of the Civil Litigation Practice. This enhanced in person delivery of core skills may provide a valuable guide to the design and efficacy of a future pre-admission capstone course.

The preparation of lawyers for the profession can and must be better. The future of the profession depends on it. The proposal made in this Discussion Paper is one which seeks to improve quality, lower barriers to entry to the profession and make the overall training of entry level lawyers better. It is imperative that lawyers enter the profession with positivity and confidence. At present, the

requirement and cost of PLT as currently offered results in too many young lawyers commencing their professional life with cynicism and dissatisfaction and unnecessary debt.

2. Current legislative framework for training of entry level lawyers

PLT is an essential requirement for admission as a lawyer in NSW and more broadly across Australia.⁶ It is a structured training program that is usually undertaken at the completion of a student's law degree. PLT was created in the 1970s and was intended to:

...overcome the inadequacies of articles training by providing training in the essential skills and major areas of practice so as to ensure that a person entering the legal profession can function at a standard of competency which can reasonably be expected of a first year practitioner.⁷

One of the earliest and most consistent observations, arising from the LPAB's consultations, was that the current three methods of training entry level lawyers – namely law degrees, PLT and post-admission training over the early years of legal practice – are uncoordinated. The current approach is producing disappointing results from the perspective of the legal profession and recent graduates. This is consistent with the concerns which led to the Council of Australian Law Deans (CALD) commissioning the Kift/Nakano Report in 2021 which noted that:

As the Productivity Commission observed in 2014, advances in Australian legal education and its regulation have been inhibited by their segregation into three distinct stages: The academic; practical legal training (PLT); and continuing professional development (CPD). It has been argued that this structural disadvantage has led to incremental, siloed improvements and missed the opportunity to pursue development and enhancement for integrated system-level responses.⁸

This Discussion Paper principally relates to PLT, but also addresses the content of law degrees. As both a law degree and PLT are required to be successfully completed by candidates for admission,⁹ to analyse the current state of PLT in NSW, it is also necessary to analyse the requirements and teaching of practical skills as part of a law degree. To understand practical training for entry level lawyers it is also necessary to understand the post-admission mandatory training regime in NSW.

For this reason, this Discussion Paper also considers the post-admission statutory framework for supervised legal practice, compulsory CPD, the availability of specialist accreditation for solicitors, the requirements for admission to the NSW Bar and other mandated or optional study or training for entry level lawyers. The Discussion Paper has regard to the changing nature of law students and potential entrants to the legal profession in part resulting from the growth in the numbers of law students, law schools and PLT providers and to the changing nature of the legal profession.

The Discussion Paper is focused on PLT. It is not intended as a comprehensive review of law degrees, PLT and CPD but, given the concerns about the interaction and lack of co-ordination

⁶ *Legal Profession Uniform Law* (NSW), s 17(1)(b) (*Uniform Law*).

⁷ Frank Langley, "Preparing for the Practice of Law: Post-Graduate Pre-Admission Training in Australia" (1985) 3(2) *Journal of Professional Legal Education* 81, 82 as quoted in Jim McMillan and Rob Lilley, "After Law School A Critical Evaluation of Practical Legal Training in the Australian Context" (2024) 2 *Western Australian Law Teachers Review* 1.

⁸ Sally Kift and Kana Nakano, "Reimagining the Professional Regulation of Australian Legal Education" (Council of Australian Law Deans, December 2021) 2.

⁹ *Uniform Law*, s 15.

between those three areas of learning, this Discussion Paper does consider how the practical legal training of entry-level lawyers might be improved by reform in all three areas.

Below is a summary of the current legislative framework for training of entry level lawyers which is set out in more detail in Attachment A.

2.1 Law degrees

Prospective lawyers must first complete an accredited law degree.¹⁰ Law degrees must cover the academic areas of knowledge set out in Schedule 1 of the Admission Rules (colloquially referred to as the Priestley 11).¹¹ The current Priestley 11 requirements are set out in full in Attachment B to this Discussion Paper. For present purposes it should be noted, in particular, that the Priestley 11 “academic areas” currently include:

- A basic knowledge of the principles relating to the holding of money on trust;¹²
- Civil Litigation;¹³
- Property;
- Contract and Company Law;
- Administrative Law;
- Criminal Law and Procedure; and
- Ethics and Professional Responsibility.

Accredited law degrees cover Priestley 11 content in a range of different courses, with differing emphasis, at differing times in the degree and with differing numbers and types of assessments.

2.1.1 Currently accredited law degrees and AQF levels and the role of TEQSA

The LPAB has accredited a *Diploma in Law*, taught by the Law Extension Committee (LEC) and examined by the LPAB itself, and *Bachelor of Laws* (which may be completed with Honours and as a joint degree at some law schools) and JD degrees provided by a number of law schools.¹⁴ The LEC program falls outside the AQF,¹⁵ and is not subject to regulation by TEQSA.¹⁶ The law schools, offering accredited law degrees are all subject to the AQF and the institutions of which they form

¹⁰ *Uniform Law*, s 17(1)(a).

¹¹ *Legal Profession Uniform Admission Rules 2015* (NSW), sch 1 pt 2 (*Admission Rules*).

¹² Within “Ethics and Professional Responsibility”.

¹³ Within “Civil Dispute Resolution”.

¹⁴ LPAB, *Accredited Law courses & PLT providers* (Website), available at <<https://lpab.nsw.gov.au/admission-lawyer/accredited-law-courses-plt-providers.html>>.

¹⁵ Australian Qualifications Framework (Website), available at <<https://www.aqf.edu.au/>>.

¹⁶ Australian Government, *Tertiary Education Quality and Standards Agency* (Website), available at <<https://www.teqsa.gov.au/>>.

part are subject to TEQSA regulation. The AQF describes each category of AQF qualification to ensure consistency.

2.2 The role of TEQSA

TEQSA registers all higher education providers and has responsibility for ensuring that each provider and their qualifications meet the *Higher Education Standards Framework (Threshold Standards) 2015* (HES Framework).¹⁷ This includes compliance with the requirement that the learning outcomes of the qualifications are consistent with the AQF level of the qualification¹⁸ and that teaching staff have an academic qualification above that which they teach into or “equivalent experience.” This is adjudged by the provider’s own policy. The result is different requirements for academics to teach into PLT programs and the consequence that students in PLT programs need not be taught by instructors with current, relevant or, necessarily, any legal experience. The Competency Standards similarly leave this potential open.¹⁹ In practice, accredited PLT providers, each with their own approach, do require practice experience. The practical experience of academics teaching into law degrees is much more variable. McMillan and Lilley identify the “lack of experienced legal practitioners on law school faculties” as one constraint to the embedding of practical skills training in law degrees.²⁰

2.3 PLT

Section 17(1)(b) of the *Uniform Law* provides for the mandatory requirement of completion of PLT before a compliance certificate can be issued.²¹ The specific requirements for satisfying the PLT component are set out in the Law Admissions Consultative Committee (LACC) PLT Competency Standards²² which are now set out in the Competency Standards. They are intended “to describe the observable performance in several key areas relating to legal practice, required of entry-level lawyers at the point of admission to the legal profession”.²³

General requirements

The Admission Rules provide that applicants for admission must satisfy the LPAB that they have achieved the prescribed competence in the skills, values and practice areas as set out in the Competency Standards.²⁴ The Competency Standards provide for a “minimum requirement” of 15 of days of workplace experience in a PLT program.²⁵ Pursuant to the Competency Standards,

¹⁷Australian Government, *Tertiary Education Quality and Standards Agency: TEQSA and the Australian Qualifications Framework: Questions and answers version 3.1* (Website), available at <<https://www.teqsa.gov.au/guides-resources/resources/guidance-notes/teqsa-and-australian-qualifications-framework-questions-and-answers>>.

¹⁸ Ibid.

¹⁹ Schedule 2, Admission Rules [8]. See also *LACC PLT Competency Standards for Entry Level Lawyers* [4.5] <https://legalservicescouncil.org.au/documents/PLT-competency-standards-for-entry-level-lawyers-Oct-2017.pdf>

²⁰ James McMillan and Rob Lilley, “Why Isn’t All Legal Education Practical?” (2025) 3 *Western Australian Law Teachers Review* 49, 56.

²¹ A compliance certificate is a necessary condition before an individual can be admitted to the Supreme Court of NSW: *Uniform Law*, s 16. It is issued pursuant to s 19 of the *Uniform Law*.

²² Law Admission Consultative Committee, “Practical Legal Training Competency Standards for entry-level lawyers” (the LACC PLT Competency Standards), available at <<https://legalservicescouncil.org.au/documents/PLT-competency-standards-for-entry-level-lawyers-Oct-2017.pdf>>.

²³ LACC PLT Competency Standards, [1].

²⁴ Competency Standards, [3(1)].

²⁵ Ibid [5(a)(ii)].

every applicant for admission is required to have achieved the prescribed competence in the “Skills, Compulsory and Optional Practice Areas and Values” in each of the following areas:

Skills	<ul style="list-style-type: none"> • Lawyer’s Skills • Problem Solving • Work Management and Business Skills • Trust and Office Accounting
Compulsory Practice Areas	<ul style="list-style-type: none"> • Civil Litigation Practice • Commercial and Corporate Practice • Property Law Practice
Optional Practice Areas	<p>Any two of:</p> <ul style="list-style-type: none"> • Administrative Law Practice • Banking and Finance • Criminal Law Practice • Consumer Law Practice • Employment and Industrial Relations Practice • Family Law Practice • Planning and Environmental Law Practice • Wills and Estates Practice
Values	<ul style="list-style-type: none"> • Ethics and Professional Responsibility²⁶

A Descriptor and the Elements and Performance Criteria for each of the above Practice Areas is set out in the Competency Standards.²⁷

The overlap between PLT and law degrees

As can be seen from the table of the Competency Standards for PLT set out above, the three Compulsory Practice Areas and the compulsory “Values” area have corollaries in the Priestley 11.²⁸ Most, if not all, accredited law schools would have approved compulsory or elective courses covering academic content (at least) in each of the Optional Practice Areas. Whilst, in the current scheme, the intention appears to be that law students study the Priestley 11 and their law degree in an academic setting, and the practice of the law in their PLT program, most law degrees incorporate practical skills and assessments, resulting in a degree of duplication or overlap.²⁹

The Competency Standards also set out principles in relation to work experience, the qualification of instructors and supervisors, assessment and resilience and wellbeing in the profession.

Accreditation

²⁶ Competency Standards, [3].

²⁷ Ibid pt 4, [11]-[26].

²⁸ See discussion in James McMillan and Rob Lilley, “Why Isn’t All Legal Education Practical?” (2025) 3 *Western Australian Law Teachers Review* 49, 57-58.

²⁹ Ibid 55 (references omitted).

Pursuant to s 29 of the *Uniform Law*, the LPAB has power to accredit or reaccredit law degrees (which it refers to as courses) and the power to accredit or reaccredit providers of PLT in accordance with the Admission Rules.³⁰

PLT programs as post-graduate academic qualifications

PLT programs taught as a graduate diploma must be provided to the “AQF Level 8” standard and must also include at least 15 days’ workplace experience.³¹ The Volume of Learning of a Graduate Diploma is typically 0.5 to 1 year.³² PLT programs which are not taught as a Graduate Diploma must also be provided at a level equivalent to post graduate training equivalent appropriate for at least an AQF level 8 qualification.³³ Such PLT programs must also be at least 900 hours’ in duration comprising at least 450 hours of programmed training and at least 15 days’ workplace experience.³⁴

Integrated programs permitted

The Competency Standards permit a student to undertake an *integrated* program of academic study and PLT that requires the equivalent of 3 years’ full-time academic study of law, apart from the time required to undertake the PLT components of the program, and: (a) the academic study is part of a law course accredited, or deemed to be accredited, by the LPAB under rule 7, and (b) the PLT is conducted by a PLT provider accredited, or deemed to be accredited, by the LPAB under rule 7.³⁵

Work experience

The minimum requirement of workplace experience is 15 days however currently accredited PLT providers require a range of workplace experience. Unless PLT is integrated with an accredited law degree, work experience can be completed only *after* the applicant has completed an accredited law degree unless the applicant has no more than two academic subjects to complete.³⁶ This means that relevant work experience obtained whilst a student is studying their law degree or prior to commencing their formal PLT, cannot be taken into account towards the mandatory workplace experience requirements.³⁷ This presents something of a discouragement and disincentive for students to complete an internship (as part of a formal course of study or otherwise) or to seek work in the legal profession during the study of their law degree. It also means that those who do undertake paralegal or clerkship work during their law degree and thereby acquire valuable work experience are still required to complete this additional work experience as part of PLT which may be unnecessary and delay their entry to the profession.

³⁰ *Uniform Law*, s 29.

³¹ Competency Standards, [5(a)(i)-(ii)].

³² Australian Qualifications Framework Council, *Australian Qualifications Framework* (AQF, 2nd ed, January 2013) 57, available at <<https://www.aqf.edu.au/download/405/aqf-second-edition/3/aqf-second-edition/pdf>>.

³³ Competency Standards, [7].

³⁴ *Ibid* [5(b)(i) and (ii)].

³⁵ *Ibid* [4.2].

³⁶ *Ibid* [4(1)(b)].

³⁷ See also LACC Standards for PLT Workplace Experience, [7(3)] and LACC PLT Competency Standards [4.2(c) and (d)].

2.4 The statutory condition of supervised legal practice

Following successful completion of a law degree and PLT, and then admission, a practising certificate issued to an applicant by the Law Society Council will contain a statutory condition that permits practice only in supervised legal practice.³⁸ This condition will remain until the holder has completed 2 years of supervised legal practice required and will appear as condition 2 on such a practising certificate.

2.5 Practice Management Course

If a solicitor wishes to engage in legal practice as a principal of a law practice, in addition to the removal of the supervised legal practice condition on their practising certificate, they must complete an accredited PMC that meets guidelines set by the Law Society.³⁹

2.6 Continuing professional development

Once admitted, solicitors have a statutory condition on their Australian practising certificate to complete CPD requirements.⁴⁰ Each year, once admitted, all solicitors must complete 10 CPD units – equating to 10 hours – including at least 1 CPD unit in each of:

- (1) Ethics and professional responsibility
- (2) Practice management and business skills
- (3) Professional skills
- (4) Substantive law.⁴¹

2.7 Accreditation as a specialist/ study in specialist areas

Solicitors are not required to obtain Specialist Accreditation, to study particular law electives in their law degree, PLT or to undertake postgraduate study in a particular practice area in order to practice in any particular practice area. These are all currently existing options for students or lawyers to develop their understanding of particular areas of practice.

Specialist Accreditation

Whilst not mandated as a requirement to practice in any specific area or to take on the role of principal in any particular area, those lawyers who fulfil the requirements of a Specialist Accreditation Program are then able to use the term ‘Accredited Specialist’ in the nominated area of practice after their name. Specialist Accreditation is offered across 14 areas of law generally on a biennial basis:

³⁸ *Uniform Law*, s 49(1).

³⁹ Practice Management Course (Discretionary Condition) (*Uniform Law* s 53) and *Legal Profession Uniform General Rules 2015* (NSW), r 16(b)(ii).

⁴⁰ *Uniform Law* s 52 requires the certificate holder to comply with the *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW) (*CPD Rules*).

⁴¹ *CPD Rules*, r 6.

- Business Law;
- Children’s Law;
- Commercial Litigation;
- Criminal Law;
- Dispute Resolution;
- Employment & Industrial Law;
- Elder Law (from 2026);
- Family Law;
- Immigration Law;
- Personal Injury Law;
- Planning & Environment;
- Property Law;
- Public Law; and
- Wills and Estates Law.⁴²

In 2025 eligible practitioners may apply for Specialist Accreditation in the following areas:

- Business Law;
- Commercial Litigation;
- Criminal Law;
- Family Law;
- Property Law; and
- Wills & Estates.⁴³

Within law degrees or as standalone courses

⁴² Law Society of NSW, *2025 Specialist Accreditation – Guide to Applications and Assessment* (Guide, 2025) 2, available at <<https://www.lawsociety.com.au/sites/default/files/2024-12/2025%20Specialist%20Accreditation%20-%20Guide%20to%20Application%20%26%20Assessment%20-%20FINAL.pdf>>.

⁴³ Law Society of New South Wales, *Specialist Accreditation: 2025 Specialist Accreditation Program* (Website), available at <<https://www.lawsociety.com.au/specialist-accreditation/2025-specialist-accreditation-program>>.

In addition to courses which are mandated for completion in law degrees, of which courses covering the Priestley 11 form part, law degrees include a number (which varies between degrees) of law electives which students can choose to study. Subject to the admission rules of particular universities, students may also choose to study additional law elective courses, separate to their law degree, in areas in which they are interested, hope to practise in, which are otherwise offered as part of a law degree or a postgraduate degree (see below). Law schools may also offer the opportunity to develop knowledge and skills by completing microcredentials.⁴⁴

Postgraduate

Some lawyers complete other postgraduate study such as a general *Master of Laws (by coursework)* (LLM) enabling the development of knowledge in a range of areas, a specialist *Graduate Certificate, Diploma or Master of Laws (by coursework)* or other specialist postgraduate degrees or postgraduate research degrees focusing on a specific area of law or discipline area.

2.8 Admission to the NSW Bar

An aspiring barrister must be admitted as a lawyer of the Supreme Court of NSW, or another Australian state or territory, before applying for a NSW barrister's practising certificate. To obtain such a certificate in NSW requires successful completion of examinations set by the New South Wales Bar Association. NSW barristers' practising certificate also requires the successful completion of the four week (full time) Bar Practice Course and a reading program for 12 months under the supervision of one or more tutors.⁴⁵

2.9 Barrister's CPD obligations

Like NSW solicitors, barristers practising in NSW are subject to CPD requirements.⁴⁶ With some exceptions, barristers must earn at least 10 CPD points in a practising year. CPD points can be earned through completion of a wide range of activities, including seminars, conferences, webinars, mentoring opportunities, and other relevant events.⁴⁷

⁴⁴ Australian Government, Department of Education, Skills and Employment, National Microcredentials Framework (Report, November 2021), available at <<https://www.education.gov.au/download/13591/national-microcredentials-framework/26500/document/pdf>>.

⁴⁵ NSW Bar Association, *Practising Certificates* (Website), available at <<https://nswbar.asn.au/bar-standards/practising-certificates>>.

⁴⁶ *Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015* (NSW).

⁴⁷ NSW Bar Association, *Professional Development* (Website), available at <<https://nswbar.asn.au/bar-standards/professional-development>>.

3. The changing nature of law students

There has been significant growth in the number of law students and law schools since the introduction of PLT. University students are increasingly diverse and a significant proportion of law students do not study their law degree to become lawyers.

Students studying law without intending to become lawyers

Law degrees are today studied, not only by students wishing to enter the legal profession, but by others such that “a sizeable portion of law graduates do not enter traditional legal practice.”⁴⁸ It is difficult to gauge the motivations of students who undertake a law degree and these may vary over time. There are no recent statistics available analysing law student intentions and destinations nationally.⁴⁹ An indicator is the number of law graduates who go on to enrol in a PLT program. Whilst these statistics are old, in 2013 75% of law graduates nationwide continued on to commence PLT with 6.4% of those students not completing PLT.⁵⁰ In 2015, a survey conducted by the Women Lawyer’s Association of NSW found that only 61% of law students wished to practice as lawyers.⁵¹ In 2016, 79.2% of university law students in NSW intended to complete PLT and 71% of those students intended to practice law.⁵² The fact that many law degree graduates do not join the legal profession is also evident from the fact that between 2011 and 2022 many more students graduated with law degrees than those who sought admission to the legal profession. For example, while approximately 5,500 lawyers joined the legal profession between 2016 and 2018, about 16,000 law graduates graduated in this period.⁵³

Alman has noted that “A law degree teaches you to think critically, solve problems, research, communicate, work in teams and distil large, complex rafts of information into succinct (well, most of the time) writing.”⁵⁴ She goes on to note that “these skills are important in almost any job” and to list accounting, journalism, recruitment, politics, management consulting, Judge’s associate, human resources, wealth management/investment banking, police prosecutor and advocacy as ten careers that value law graduates highly.⁵⁵

As McNamara has observed:

⁴⁸ Michael McNamara, “University Legal Education and the supply of law graduates: a fresh look at a long-standing issue” (2018) 20 *Flinders Law Journal* 223, 227.

⁴⁹ Sally Kift and Kana Nakano, “Reimagining the Professional Regulation of Australian Legal Education” (Council of Australian Law Deans, December 2021) 88, available at <https://cald.asn.au/wp-content/uploads/2024/04/Reimagining-KiftNakano_FINAL.pdf>.

⁵⁰ Michael McNamara, “University Legal Education and the supply of law graduates: a fresh look at a long-standing issue” (2018) 20 *Flinders Law Journal* 223, 227 referencing a report prepared by Ernst & Young for the College of Law.

⁵¹ *Law students ambivalent over legal career* (Website, LawyersWeekly, 28 July 2015), available at <<https://www.lawyersweekly.com.au/news/16890-law-students-ambivalent-over-legal-career#:~:text=The%20study%20by%20the%20Women's,Law%20in%20New%20South%20Wales.&text=The%20maximum%20number%20of%203,the%20existing%20uploaded%20files%20first.>>>.

⁵² *Ibid*, referencing a report published by the Law Society of NSW.

⁵³ James McMillan and Rob Lilley, “Why Isn’t All Legal Education Practical?” (2025) 3 *Western Australian Law Teachers Review* 49, 53 fn 20.

⁵⁴ Kate Alman, “10 jobs you can do with a law degree” (Website, Law Society of NSW), available at <<https://www.lawsociety.com.au/resources/resources/career-hub/10-jobs-you-can-do-law-degree>>.

⁵⁵ *Ibid*.

The Law Degree is a foundational stage of legal education and needs to cater for all student types and all career possibilities, including those strictly inside the law, those clearly outside the law, and those who choose to walk the tightrope between innovation and disruption in the legal services sector. A Law Degree should also be for anyone with an interest in the rule of law, social justice, and any career that benefits from an understanding of law, the legal system and legal processes.⁵⁶

Similarly Menkel-Meadow has noted:

Legal education can be used for and by legal professionals, lawyers, judges, paralegals and others, but it is still an excellent education for generalists, government and civic employees, business people, educators, engineers, parents and any informed citizen. Thus legal education can be used for many things and, in my view, should not be cabined or confined to any one format. The use that humans make of law is too complex to be placed in an overly reductive education model.⁵⁷

This means that law schools are educating – and seeking to cater in their law degrees – not only for students who will go on to practise law and this fact impacts on such practical matters as elective offerings. Indeed some law schools specifically market the versatility of non-law careers which their law degrees equip graduates to pursue.⁵⁸

The LPAB is focused on admitting appropriately trained lawyers to the legal profession. While law degrees are undertaken by some students – and offered by law schools – for other reasons, that fact cannot diminish the LPAB’s duty to mandate content in law degrees which it considers to be necessary for admission. It is open to universities, if they wish, to offer law-focused degrees which do not attempt to meet the standards set for law degrees by the LPAB, and which thus do not of themselves suffice to meet the requirements for admission as a legal practitioner.

Changes in the nature of University students

For the purposes of this Discussion Paper it is sufficient to note the following recent comments by Wilkinson about contemporary university students in Australia:

Participation has expanded and diversified. Many students are the first in their families to attend university... More students from low socio-economic backgrounds, regional and remote communities and Indigenous backgrounds are enrolling but equity gaps remain. These shifts have fundamentally reshaped the student experience. The contemporary student body is diverse not just in background but in responsibilities and pressures. Many now work substantial hours whilst studying, often out of financial necessity. Cost-of living pressures – from housing

⁵⁶ Michael McNamara, “University Legal Education and the supply of law graduates: a fresh look at a long-standing issue” (2018) 20 *Flinders Law Journal* 223, 244.

⁵⁷ Carrie Menkel-Meadow, ‘Thinking or Acting like a lawyer’ in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2019) 223, 239 as quoted in Sally Kift and Kana Nakano, “Reimagining the Professional Regulation of Australian Legal Education” (Council of Australian Law Deans, December 2021) 128.

⁵⁸ Sally Kift and Kana Nakano, “Reimagining the Professional Regulation of Australian Legal Education” (Council of Australian Law Deans, December 2021) 92, available at <https://cald.asn.au/wp-content/uploads/2024/04/Reimagining-KiftNakano_FINAL.pdf>.

and food to transport and utilities – have become acute. Others navigate significant cultural obligations or caregiving duties.⁵⁹

For this cohort, lengthy and costly PLT programs and lengthy and unpaid work experience obligations can present a real barrier to entry.

⁵⁹ Rorden Wilkinson, “Reality of moderns student life demands reform of system” (Higher Education, The Australian, 13 August 2025) 21.

4. The changing nature of the legal profession

In order to assess the appropriateness of the current PLT approach, it is important to have an understanding of the contemporary profile of lawyers in NSW. This will assist in developing an understanding of the sort of knowledge and skills lawyers entering the profession might need and indeed, the extent of commonality which might exist in those needs. The NSW Bar Association publishes statistics on barristers in NSW.⁶⁰ The Law Society publishes an annual profile of solicitors in NSW of which the latest report, which was prepared by Urbis, related to the 2024 year and showed the position as at 31 October 2024.⁶¹ The analysis set out below is drawn from those reports. The Law Society's 2024 NSW profile and 2024 national profile of the legal profession were published on 17 April 2025 and 13 June 2025 respectively.⁶²

4.1 The Bar

The Discussion Paper will not consider the additional admission requirements for an Australian lawyer to join the NSW Bar. The Bar, with 2,419 members, is a substantially smaller part of the legal profession in NSW as compared to solicitors. Barristers are active in the following areas of practice:

- (1) Commercial (919) (38%)
- (2) Appellate (810) (33%)
- (3) Equity (780) (32%)
- (4) Public/Administrative (707) (29%)
- (5) Inquests/inquiries (676) (28%)
- (6) Criminal (634) (26%)
- (7) Common law/personal injury (450) (19%)
- (8) Alternative Dispute Resolution (393) (16%)
- (9) Industrial/ employment (273) (11%)
- (10) Family law and guardianship (269) (11%)
- (11) International (241) (10%)

⁶⁰ NSW Bar Association, *Statistics* (Website), available at <<https://nswbar.asn.au/the-bar-association/statistics>>.

⁶¹ Urbis, 2024 Annual Profile of Solicitors NSW (Solicitors Profile, 17 April 2025), available at <https://www.lawsociety.com.au/sites/default/files/2025-06/2024%20Annual%20Profile%20of%20Solicitors%20in%20NSW_Final.pdf>.

⁶² Urbis, 2024 National Profile of Solicitors (Solicitors Profile, 13 June 2025), available at <<https://www.lawsociety.com.au/sites/default/files/2025-06/2024%20National%20Profile%20of%20Solicitors%20-%20Final.pdf>>.

- (12) Environment and planning (197) (8%)
- (13) Tax/revenue (152) (6%)
- (14) Defamation (106) (4%)

4.2 Solicitors

Solicitors constitute the vast majority of legal practitioners with 41,304 holding a NSW practising certificate, representing an increase of 3% year on year.⁶³ The numbers have grown significantly with 27,575 solicitors ten years ago and 18,934 20 years ago.⁶⁴ In October 2024, almost half of NSW solicitors worked in the Sydney CBD (49%), a third in the suburbs of Sydney (33%) and more than one in ten worked in the regions/rural NSW (11%).⁶⁵ Most solicitors worked in private practice (67%) in one of 7,535 private law firms.⁶⁶ The majority of private law practices were sole practitioners without any employed solicitors (63%).⁶⁷ More than a quarter of law firms had one principal (26%), one in ten had two to four principals (10%).⁶⁸ While firms with 40 or more principals were only 0.2% of NSW firms they employed a quarter of solicitors working for private firms who were not themselves principals in NSW (2%).⁶⁹ Although the majority of NSW solicitors are in private practice, government and corporates together employed a third of NSW lawyers with more than a fifth working as corporate legal practitioners (21%) and more than one in ten working as government lawyers (12%).⁷⁰

There are some areas of practice in which both barristers and solicitors practise (as would be expected). There are however significant differences in the dominant areas of practice between the two branches of the legal profession. Even within the ranks of solicitors there are significant differences between the main areas of practice of those in private practice, in the government legal sector and in the corporate legal sector.

Of those who completed the relevant survey, the five most common areas for NSW solicitors in private practice were as follows:

- (1) Conveyancing/ real property (29%)
- (2) Commercial law (29%)
- (3) Wills and estates (28%)
- (4) Civil litigation (24%)

⁶³ Ibid 1.

⁶⁴ Ibid 5.

⁶⁵ Ibid 1.

⁶⁶ Ibid 1.

⁶⁷ Ibid 1.

⁶⁸ Ibid 1.

⁶⁹ Ibid 1.

⁷⁰ Ibid 1.

-
- (5) Litigation – general (20%)⁷¹

The five most common areas for NSW solicitors in the government legal sector were as follows:

- (1) Administrative Law (38%)
- (2) Criminal law (35%)
- (3) Civil litigation (17%)
- (4) Litigation – general (16%)
- (5) Advocacy (14%)⁷²

The five most common areas for NSW solicitors in the corporate legal sector were as follows:

- (1) Commercial (54%)
- (2) Corporate (49%)
- (3) Banking/finance (22%)
- (4) Intellectual property (18%)
- (5) Industrial/employment (15%)⁷³

As is evident from the above, NSW lawyers practise in a wide range of firms, sectors, practice areas and roles. The profession is also far from static with changes both in the sectors and areas of practice taking place over time. For example, the number of solicitors in private practice during the period 2011 to 2024 increased from 17,091 to 27,807, experienced an average annual growth rate of 4%.⁷⁴ In the same period, the corporate sector grew from 4,601 to 8,580 practitioners an annual rate of 5%.⁷⁵ The government sector experienced an annual growth rate of 4% and an annual growth of 4% in the 12 months to October 2024.⁷⁶ Over the past 14 years, corporate law and administrative law have both grown by 4% and 3% respectively as a proportion of main areas of practice identified by solicitors and there was a fall of 10% and 5% respectively in solicitors' main practice areas being conveyancing/real property and wills and estates.⁷⁷

In the preparation of this Discussion Paper, consideration has also been given to the number and nature of claims against lawyers in NSW. Lawcover provided the following information about claims:

⁷¹ Ibid 43.

⁷² Ibid 43.

⁷³ Ibid 43.

⁷⁴ Ibid 24.

⁷⁵ Ibid 24.

⁷⁶ Ibid 24.

⁷⁷ Ibid 43.

- (1) Claims made against lawyers have been decreasing relative to the number of legal practices. Claims have grown from 338 claims in 2008/9 (when there were 4,489 insured legal practices) to 426 claims in 2024/25 (when there are 7,797 legal practices). Smaller practices were more prone to claims than larger firms.
- (2) By practice area in 2024/25 most claims related to Property Law (37%), Family Law (186%), Commercial Litigation (15%), Elder Law, Wills and Estates (9%) and Personal Injury (9%). Issues in Property Law frequently related to conveyancing, mortgages, leases, failure to exercise options in time or properly, misunderstanding special conditions, missing easements and failure to advise of contractual provisions. Issues in Litigation frequently included missed limitation periods and regretted settlements. Issues in Family Law frequently included claims in relation to personal costs orders, failure to adequately explain binding financial agreements, technical child support issues and the opponent's clients suing the solicitor.
- (3) In 2024/25 the top five causes of claims were: poor communication with clients (37%), not knowing the law adequately (21%), document problems (18%), systems problems (16%) and "other" (8%). Few claims were seen in relation to criminal law or immigration law. Poor communication claims usually related to a failure to advise or to advise adequately, for example, in relation to contractual provisions. Lawcover emphasised the importance of keeping file notes, regular communications and positive relationship with clients built on clear expectations.

The LPAB has reached the preliminary view that there is little utility (and considerable cost) in requiring all applicants for admission to first complete a lengthy and costly generic and (inevitably) general PLT, given the wide range of firms, sectors, practice areas and quite different employment opportunities, those entering the contemporary legal profession today may choose to work for. The skills of a suburban or small firm employed solicitor (who might do wills and estates and appear in the Local Court) and those of a lawyer working in one of the large firms (who will never do either task) are quite different – leaving aside employment as a lawyer by government, community legal centre, NGO and as corporate counsel. This raises the question: What are we preparing applicants for admission for exactly? Seeking to provide the skills needed for any or every possible legal career is not practical, and specialist training clearly will need to take place "on the job." The discussions which have taken place in preparing this Discussion Paper support this view.

The claims information obtained from Lawcover also suggests that all graduates would benefit from a greater focus before admission on developing strong communication and practice management skills such as maintaining proper files (including keeping file notes), regular communications and developing positive relationship with clients built on clear expectations. The Lawcover information also suggests that focused development of skills post-admission in the specialist areas in which particular lawyers actually practise would be beneficial.

In addition to the varied roles that applicants for admission might already be engaged in as graduates or might plan or hold offers of employment to later undertake, there is a significant variation among those completing or wishing to complete PLT including:

- (i) students who are already employed full-time or part time as graduates or paralegals or in some other legal or quasi-legal role whose fees may or may not be met by their employer and who may or may not have a binding offer of employment as a legal practitioner on admission.
- (ii) students who have no legal experience who are not in any form of employment during the period in which they wish to complete their PLT.
- (iii) students in part-time or full time employment in non-legal roles on which they are financially dependent;
- (iv) students who are financially able to complete PLT – including unpaid work experience;
- (v) students completing PLT with or without access to HECS;
- (vi) students who prefer face to face teaching and students who prefer on-line teaching and students who may prefer face to face teaching but whose employment or financial circumstances make completion of any significant in person components including any period of unpaid work experience extremely difficult if not practically impossible.

5. PLT in NSW

As of February 2025, the LPAB has accredited the PLT providers set out below in accordance with s 29 of the *Uniform Law*:⁷⁸

- (1) the College (*Graduate Diploma of Legal Practice*);
- (2) University of Newcastle (*Diploma of Legal Practice* or *Graduate Diploma in Legal Practice*) offered with the *Bachelor of Laws (Honours)* and the *Juris Doctor* respectively;
- (3) University of New South Wales (*Graduate Diploma of Legal Professional Practice*);
- (4) UTS (*Graduate Certificate in Professional Legal Practice*); and
- (5) Leo Cussen Centre for Law (*Graduate Diploma in Legal Practice*).

In addition, ACAP has applied for accreditation in order to provide its *Graduate Diploma of Legal Practice* in NSW. The baseline domestic fees for students who complete the full load of work experience (75 days for the College) currently are:

Provider	Fees – domestic
College ⁷⁹	\$9,200
University of Newcastle ⁸⁰	N/A
University of New South Wales (UNSW) ⁸¹	\$11,000
UTS ⁸²	\$9,378 (and in it proposed new combined degree \$6,426 ⁸³)
Leo Cussen ⁸⁴	\$12,310

5.1 The College

The College's PLT program contains three elements:

- (1) Coursework;

⁷⁸ See Legal Profession Admission Board, *Accredited Law courses & PLT providers* (Website), available at <<https://lpab.nsw.gov.au/admission-lawyer/accredited-law-courses-plt-providers.html>>.

⁷⁹ See College of Law, *Practical Legal Training (PLT)* (Website), available at <<https://www.collaw.edu.au/?audience=LawGraduatePLT#courseCardOptions-5528>>.

⁸⁰ The program is incorporated into the university curriculum.

⁸¹ UNSW, *Graduate Diploma in Legal Professional Practice* (Website), available at <<https://www.unsw.edu.au/study/postgraduate/graduate-diploma-in-legal-professional-practice>>.

⁸² UTS, *Practical Legal Training Brochure* (Website) at p.6, available at <<https://www.uts.edu.au/globalassets/sites/default/files/2024-12/uts-law-practical-legal-training-brochure.pdf>>.

⁸³ See [4.3] below.

⁸⁴ Leo Cussen Centre for Law, *PLT Dates and Fees* (Website), available at <https://www.leocussen.edu.au/practical-legal-training/about-our-plt/course-dates/?gad_source=1&gbraid=0AAAAADQYO46qO_zKI4mo2-2Nr4WjxAzUs&gclid=EAlaIqobChMIsfSAwdn8jAMVGUEWBR1hxgkCEAAYAiABEgIlyfD_BwE>.

- (2) Work experience; and
- (3) Continuing Professional Education.⁸⁵

As of 19 June 2025, the standard program costs \$9,200 for Australian and New Zealand citizens, or \$13,270 for overseas and international students.⁸⁶ The costs were recently reduced in the circumstances explained in the first paragraph of this Discussion Paper. The Board welcomes this reduction in costs. The Board continues to harbour concerns about the “very considerable cost” charged for PLT by various providers raised in the Chief Justice’s address.⁸⁷ Prior to the recent reduction, PLT programs at the College could cost up to \$12,350 for domestic students, and \$17,010 for international students depending upon the length of work experience which students were required to complete.⁸⁸ The figures set out below provide the historical fees charged by the College for students undertaking the PLT program with the cheapest option, involving 75 days’ work experience:

Year	Cost – domestic	Cost – international
2025 ⁸⁹	\$9,200	\$13,270
2024 ⁹⁰	\$10,660	\$15,380
2023 ⁹¹	\$10,150	\$14,650
2022 ⁹²	\$9,640	\$13,910
2021 ⁹³	\$9,640	\$13,910
2020 ⁹⁴	\$9,640	\$13,910

⁸⁵ See College of Law, *Practical Legal Training (PLT)* (Website), available at <<https://www.collaw.edu.au/?audience=LawGraduatePLT#courseCardOptions-5528>>.

⁸⁶ See College of Law, *Practical Legal Training (PLT)* (Website), available at <<https://www.collaw.edu.au/?audience=LawGraduatePLT#courseCardOptions-5528>>.

⁸⁷ Law Society of New South Wales, *Chief Justice of New South Wales Message: Practical Legal Survey* (Website), available at <<https://tinyurl.com/PLTSurveyLink>>. See also The Hon A S Bell, “Present and future challenges to the rule of law and for the legal profession” (Opening of Law Term Dinner Address 2025, Speech, 6 February 2025) at [42], available at <https://supremecourt.nsw.gov.au/documents/Publications/Speeches/2025-speeches/bellcj/CJOLTD_20250206.pdf>.

⁸⁸ Maxim Shanahan, *College of Law stares down disquiet about high fees and cheating* (AFR, 13 Feb 2025), available at <<https://www.afr.com/companies/professional-services/college-of-law-stares-down-disquiet-about-high-fees-and-cheating-20250210-p5lay1>>. See College of Law, PLT Website (Wayback machine, 1/6/2024), available at <<https://web.archive.org/web/20240601105303/https://www.collaw.edu.au/learn-with-us/our-programs/practical-legal-training-programs>>.

⁸⁹ See College of Law, *Practical Legal Training (PLT)* (Website), available at <<http://collaw.edu.au/?audience=LawGraduatePLT>>.

⁹⁰ College of Law, PLT Website (Wayback machine, 1/6/2024), available at <<https://web.archive.org/web/20240601105303/https://www.collaw.edu.au/learn-with-us/our-programs/practical-legal-training-programs>>.

⁹¹ College of Law, PLT Website (Wayback machine, 4/10/2023), available at <<https://web.archive.org/web/20231004232807/https://www.collaw.edu.au/learn-with-us/our-programs/practical-legal-training-programs>>.

⁹² College of Law, PLT Website (Wayback machine, 11/8/2022), available at <<https://web.archive.org/web/20220811214051/https://www.collaw.edu.au/learn-with-us/our-programs/practical-legal-training-programs>>.

⁹³ College of Law, PLT Website (Wayback machine, 8/5/2021), available at <<https://web.archive.org/web/20210508094001/https://www.collaw.edu.au/programs/plt/practical-legal-training-program-full-time-on-campus-nsw/c-24/c-78/p-21707>>.

⁹⁴ College of Law, PLT Website (Wayback machine, 4/8/2020), available at <<https://web.archive.org/web/20200804113009/https://www.collaw.edu.au/programs/plt/practical-legal-training-program-full-time-on-campus-nsw/c-24/c-78/p-20286>>.

2019 ⁹⁵	\$9,450	\$13,640
2018 ⁹⁶	\$9,260	\$13,370
2017 ⁹⁷	\$9,080	\$13,110
2016 ⁹⁸	\$8,820	\$12,730
2015 ⁹⁹	\$8,560	\$12,360

For students choosing to complete in the stream requiring 15 days of work experience, students pay an additional approximately \$1,690, bringing the total amount payable to \$10,890. In 2024, for students who made this election the fees for domestic students would have been \$12,350 and for international students \$17,070.

Students can only make the payment by FEE-HELP loans or upfront payment.¹⁰⁰ The College also offers some limited support through six “Financial Assistance” and six “Aboriginal and Torres Strait Islander” bursaries, one “Family Law Practitioners Scholarship” in Queensland and one “Kay Smith” Scholarship.¹⁰¹ Since 1 March 2025 the College has also offered unlimited bursaries to persons employed in the community justice sector, legal aid offices, indigenous legal services and Offices of the Director of Public Prosecutions covering one half of the PLT fee. To date, the College reports that 45 such bursaries have been approved. In respect of the Financial Assistance bursary, the College’s website states that, to be eligible, the applicant must “Demonstrate extreme financial hardship, beyond the hardship often experienced by PLT students, such as having reached the limit of your FEE-HELP cap. If you are eligible for FEE-HELP or have access to any savings, it will be difficult to satisfy this criteria”.¹⁰² The Board is continuing to engage with the College, a not for profit organisation, about the appropriate use of its accumulated reserves of in excess of \$180 million (as at FY2024) in the interests of lowering barriers to entry to new members of the profession.

⁹⁵ College of Law, PLT Website (Wayback machine, 13/3/2019), available at <<https://web.archive.org/web/20190313124450/https://www.collaw.edu.au/learn-with-us/our-programs/practical-legal-training-programs#FeesAndPayment>>.

⁹⁶ College of Law, PLT Website (Wayback machine, 27/3/2018), available at <<https://web.archive.org/web/20180327184236/https://www.collaw.edu.au/programs/plt/practical-legal-training-program-full-time-on-campus-nsw/c-24/c-78/p-2815>>.

⁹⁷ College of Law, PLT Website (Wayback machine, 24/12/2016), available at <<https://web.archive.org/web/20161224024130/http://www.collaw.edu.au/shop/practical-legal-training/full-time-on-campus-course-np171c>>.

⁹⁸ College of Law, PLT Website (Wayback machine, 26/7/2016), available at <<https://web.archive.org/web/20160726064629/http://www.collaw.edu.au/what-we-offer/law-students-and-graduates/fees-and-payment-options/fees/>>.

⁹⁹ College of Law, PLT Website (Wayback machine, 15/6/2015), available at <<https://web.archive.org/web/20150615070739/http://www.collaw.edu.au/what-we-offer/law-students-and-graduates/fees-and-payment-options/fees/>>.

¹⁰⁰ See College of Law, Practical Legal Training (Website), available at <<https://www.collaw.edu.au/course-catalogue/practical-legal-training/practical-legal-training/#undefined|coursesDynamicTable-tab-5>>.

¹⁰¹ Ibid. See College of Law, Practical Legal Training (Website), available at <<https://www.collaw.edu.au/about/scholarships/>>.

¹⁰² See College of Law, Practical Legal Training (Website), available at <<https://www.collaw.edu.au/about/scholarships/>>.

The PLT program offered by the College is currently taught almost entirely online. There is an option to do the PLT program in-person, offered at its George Street premises.¹⁰³

Students can complete the coursework component either “full-time” over 15 weeks, or “part-time” over 30 weeks. There are effectively two options of doing the program: online or hybrid. The hybrid course comprises five to ten days of in-person sessions, and then returns to an entirely online program for the next 14 or 29 weeks.¹⁰⁴

The PLT program involves five compulsory subjects that reflects the Competency Standards, being:

- (1) Lawyer Skills;
- (2) Ethics and Professional Responsibility;
- (3) Civil Litigation Practice;
- (4) Property Law Practice; and
- (5) Commercial and Corporate Practice.¹⁰⁵

The PLT program then requires students to complete two elective subjects from the choices of: Administrative Law; Criminal Law; Family Law; Consumer Law; Employment and Industrial Law; Planning and Environmental Law; Wills and Estates; and Banking and Finance.¹⁰⁶

The interactive teaching provided to students in this PLT course is as follows:

- (1) During the first five days of the course, where the lecturer introduces the program and teaches the “Lawyers Skills” course; and
- (2) An hour of “revision” discussion for each subject – which covers some of the topics which will be considered in the exam.
- (3) Personal feedback from the lecturer to each student on their coursework.

Otherwise, students learn by reading the set readings, online “interactive” exercises, completing assignments and doing an oral exam. Most of the readings are from the College “Practice papers”, which provide a “getting-started” guide to a variety of practice areas.

The College assesses students for each subject through: (1) Written assignments; (2) Multiple choice questions; and (3) Oral exam.

Work experience

¹⁰³ See College of Law, Practical Legal Training (Website), available at <<https://www.collaw.edu.au/course-catalogue/practical-legal-training/practical-legal-training/#coursesDynamicTable-723-tab-1>>.

¹⁰⁴ Ibid.

¹⁰⁵ See College PLT Guide (downloaded 28 February 2025) 5.

¹⁰⁶ Ibid.

Students must complete work experience to complete PLT. The standard option is to complete 75 days of work experience. Alternatively, students can pay approximately \$1,690 to only have to complete 15 days of work experience but undertake other additional coursework courses in the qualification.

The work experience must relate to the delivery of legal services, and must be supervised by a legal practitioner. The work experience must be “approved” by the PLT provider.¹⁰⁷

Continuing Professional Education

The College describes the CPE process as follows:

Through six interactive online modules delivered on demand, you’ll master the new tech and business skills that law firms and recruiters are hunting for. And move to the forefront of the tech-driven legal sector.¹⁰⁸

The modules covered by the College’s CPE program are:

- (1) Communicating effectively;
- (2) Developing a commercial mindset;
- (3) Understanding financial information;
- (4) Cyber risk and security in legal practice;
- (5) Applying technology to legal practice; and
- (6) Designer and builder program with Josef Legal.¹⁰⁹

5.2 UNSW GDLPP

In addition to two elective courses, the “core” courses in the UNSW *Graduate Diploma of Legal Professional Practice* are:

- (1) Skills in Practice which focuses on “Lawyer’s skills, problem solving, work management, business skills, wellbeing and legal project management”;
- (2) Values in Practice which focuses on “Ethics and professional responsibility, trust and office accounting”;
- (3) Litigation Practice which covers “Skills, values and competencies for civil litigation practice”; and

¹⁰⁷ College of Law, *Appendix 5: Work Experience Rules* (Website), available at <<https://vfpsua.files.cmp.optimizely.com/download/assets/Appendix+5+Work+Experience+Rules+FEB24.pdf/c2ecd8a6bb1b11ee94e5361e28c855e0>>.

¹⁰⁸ College, PLT report, 8.

¹⁰⁹ Ibid.

- (4) Transactional Practice which focuses on “Property practice and commercial and corporate practice”.¹¹⁰

The Workplace Experience requirements at UNSW necessitate that students complete 40 days of work experience in a legal or law-related workplace, at least 25 days of which may have been accrued up to 2 years prior to starting PLT. Instead of completing 25 of the 40 days of work experience, it is possible for students to pay to complete the UNSW Practicum.¹¹¹

The typical program consists of 5 days of immersive workshop plus 19 weeks of online coursework¹¹² and weekly classes delivered synchronously online.

As of 19 June 2025, the UNSW program costs approximately \$11,000;¹¹³ with 2 general cohort intakes per year and a number of additional sponsored cohort intakes.

5.3 UTS

UTS offers students a number of options for the completion of PLT.

Undergraduate

For undergraduate students completing a *Bachelor of Laws* (standalone) degree (which is a four year full-time degree), students may choose to undertake their PLT within their degree by selecting PLT courses as some of their electives.

For undergraduate students completing one of sixteen Bachelor’s degrees in combination with their *Bachelor of Law* degrees (which generally involves five years of full-time study), on completion (or if granted early commencement) students can undertake their PLT in the form of a *Graduate Certificate in Professional Legal Practice (GCPLP)*.

Postgraduate

For postgraduate students, students can choose to complete a combined JD/GCPLP degree (which if summer term courses are completed can be completed over three years full-time study) or complete their JD and then undertake their PLT in the GCPLP.

The PLT/ GCPLP are not integrated into the law degree at UTS so that students can complete a 4 year *Bachelor of Laws* or a 3 year JD degree without undertaking PLT if they wish to do so. A *Bachelor of Laws* completed alone over 4 years includes 6 law electives and either 8 further law electives or 8 breadth subjects which are not law subjects. If those students then wanted to seek admission to the legal profession they would need to complete an accredited PLT program after completion of their law degree.

¹¹⁰ UNSW PLT Brochure (2025), available at <<https://www.unsw.edu.au/content/dam/pdfs/future-students/2025-12-PLT-Brochure.pdf>>.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ UNSW, *Graduate Diploma in Legal Professional Practice* (Website), available at <<https://www.unsw.edu.au/study/postgraduate/graduate-diploma-in-legal-professional-practice>>.

The *Juris Doctor* and combined *Bachelor of Laws* include 5 law electives. Undergraduate students undertaking the *Bachelor of Laws* and the *Graduate Certificate in Professional Legal Practice* complete 4 years of full-time study or equivalent part-time. Undergraduate students undertaking the combined *Bachelor of Laws* and *Graduate Certificate in Professional Legal Practice* complete 5.5 years of full-time study or equivalent part-time. Postgraduate students undertaking the *Juris Doctor* complete 3 years of full-time study or equivalent part-time. *Juris Doctor* students can also complete their JD/GCPLP within three years full time in accelerated mode with PLT completed over two summer sessions. The three “core” courses in the UTS GCPLP are:

- (1) Skills and Wills Practice which focuses on the development and application of “legal skills and understanding of ethical responsibilities of legal practitioners, including obligations relating to legal costs and to trust and office accounts”;
- (2) Property and Commercial Practice which “covers the law, practice, procedure and skills” in relation to a variety of property transactions and corporate and commercial transactions; and
- (3) Litigation and Estate Practice which focuses on “litigation and advocacy with students managing a civil litigation matter followed by a choice of two electives in specialist areas of practice”.¹¹⁴

Graduates of the UTS *Bachelor of Laws* are then given credit for having completed one of the Law Option courses during their degree. Unlike the UNSW program and the College program, the UTS offering “assumes an understanding of disciplinary knowledge taught in core law subjects in the relevant degree”. Although ethics and professional responsibility is built into each of the core subjects, particularly in Skill and Wills Practice, there is no dedicated ethics course.

The work experience requirement of the UTS program requires that students complete 13 weeks of full time (or equivalent part time) (65 days) practical work placement within one year. Part of that work experience may be backdated. Students may alternatively complete 20 days of practical experience and another law subject. At least 20 days of that work experience must be undertaken concurrently with the PLT. That work experience must be approved and must include most, if not all, of the following skills:

- (1) Significant interaction with external or in-house clients;
- (2) Drafting documents;
- (3) Legal research; and
- (4) Using a file management system.

As at 27 February 2025, the standard (involving the full work experience requirement of 65 days) UTS program has a cost of \$9,378 for the complete program for domestic students and \$13,932

¹¹⁴ See UTS, *C11232 - Graduate Certificate in Professional Legal Practice* (Website), available at <<https://coursehandbook.uts.edu.au/aos/2025/STM91971>>.

for international students.¹¹⁵ Students can choose to complete the program in Stream A which involves completing 20 (rather than 65) days of workplace experience and attracts a higher fee. There is an alumni discount of 10% and a 25% discounted rate for students who can obtain credit for prior learning instead of completing an additional Law Option course.¹¹⁶ UTS students can commence in either the Autumn, Spring or Summer session. Not all JD students are granted CSPs at UTS which offers some academic merit scholarships.

The UTS program also involves several compulsory in-person attendance workshop days, although there are options for students to complete the course online.

5.4 Newcastle GDLP

Unlike the current UTS and UNSW programs, at the University of Newcastle, the *Graduate Diploma of Legal Practice* is built into the JD and LLB programs.¹¹⁷ It is comprised of four module courses and work experience:

- Legal Practice 1 Pts A and B “introduces the practice of law, focusing on litigation and legal transactions, legal actions and gives emphasis to professional responsibility and ethical behaviour” and “covers a variety of areas of practice where communication, research, advocacy and legal transaction skills are utilised”.
- Legal Practice 2 Pts A and B “builds upon Legal Practice 1, focusing on the more advanced aspects of commercial law and legal transactions”, including property transactions.
- Work Experience 1 allows students to complete their required work experience requirements through the University of Newcastle Legal Centre, while Final Year Work Experience allows students to undertake further work experience externships.¹¹⁸

Teaching in each of the Legal Practice courses is for a minimum of 2 hours in person per week in each Semester with compulsory attendance.¹¹⁹

5.5 Leo Cussen GDLP

Leo Cussen was accredited, conditionally, by the LPAB on 13 August 2024 such that no feedback which has been obtained from NSW PLT students, who have completed that program, forms part of the Discussion Paper. Students taking the PLT course at Leo Cussen complete a *Graduate*

¹¹⁵ UTS, *Practical Legal Training Brochure* (Website) 6, available at <<https://www.uts.edu.au/globalassets/sites/default/files/2024-12/uts-law-practical-legal-training-brochure.pdf>>.

¹¹⁶ Ibid 4.

¹¹⁷ See University of Newcastle, “Bachelor of Laws (Honours) / Diploma of Legal Practice” (Website), available at <<https://www.newcastle.edu.au/degrees/bachelor-of-laws-honours-diploma-of-legal-practice>>.

¹¹⁸ Ibid.

¹¹⁹ See, e.g., University of Newcastle, LAWS4054A - Legal Practice 1 - Part A (Website), available at <<https://handbook.newcastle.edu.au/course/2025/LAWS4054A>> “Contact hours”.

*Diploma in Legal Practice.*¹²⁰ The fees charged are not dissimilar to those of other PLT providers however students can pay a higher fee if they wish the provider to arrange their placement. Domestic students who arrange their own work placement pay \$12,310 whilst those for whom the provider arranges the placement pay \$13,070.¹²¹ International students who arrange their own work placement pay \$17,790 whilst those for whom the provider arranges the placement pay \$18,470.¹²²

Students complete a mix of coursework, consisting of skills, values and practice areas, followed by a professional placement in a law firm. Students can complete the course full-time or part-time delivery as follows:

- (1) Full-time PLT is a 23-week course, comprising: 20 weeks of coursework (around 25 hours per week); and three weeks' professional placement.
- (2) Part-time PLT is a 33-week course, comprising: 30 weeks of coursework (around 15 hours per week); and three weeks' professional placement.

Students at Leo Cussen study core skills and practice areas as well as two elective topics as follows:

SKILLS AND VALUES	CORE PRACTICE AREAS	CHOICE of 2 ADDITIONAL PRACTICE AREAS
<ul style="list-style-type: none"> • Lawyer's Skills (communication skills, interviewing, letter writing, drafting, negotiation and advocacy) • Problem Solving (problem analysis, statutory interpretation, practical legal research) • Trust and Office Accounting • Work Management and Business Skills (including professional placement, file management and risk management) • Ethics and Professional Responsibility • Wellbeing for Lawyers • CLIP – Client/Lawyer Interviewing Program 	<ul style="list-style-type: none"> • Litigation Practice • Commercial & Corporate Practice • Property Practice • Criminal Law Practice 	<ul style="list-style-type: none"> • Administrative Law Practice • Family Law Practice • Consumer Law Practice • Employment & Industrial Relations Practice • Planning and Environmental Law Practice • Wills and Estates Practice • Banking & Finance¹²³

¹²⁰ Leo Cussen Centre for Law, *What's the Difference? Practical Legal Training vs. Law Degree* (Website), available at <<https://www.leocussen.edu.au/how-does-plt-differ-to-what-is-taught-in-a-law-degree/>>.

¹²¹ Leo Cussen Centre for Law, *PLT Dates and Fees* (Website), available at <https://www.leocussen.edu.au/practical-legal-training/about-our-plt/course-dates/?gad_source=1&gbraid=0AAAAADQYO46qO_zKI4mo2-2Nr4WjxAzUs&gclid=EAlaIQobChMIsfSAwdn8jAMVGUEWBR1hxgkCEAAYAiABEgIlyfD_BwE>.

¹²² Ibid.

¹²³ Ibid.

6. The PLT Survey

6.1 Development

The LPAB resolved, in 2024, that a comprehensive survey of the legal profession should be conducted to support a review of PLT in NSW. The purpose of the survey was to collect relevant data to enable an evidence-based assessment of the desirability, need and form of potential reforms or improvements in the provision and cost of PLT.

To ensure the survey was conducted in a rigorous and independent manner, and that data collection was both methodologically sound and aligned with best practices in research, the LPAB engaged Urbis, a research and advisory firm with extensive experience in professional sector research. The survey included two sub surveys. One sub survey sought insight on the experience of legal practitioners who had completed their PLT within the last 10 years. The other sub survey sought feedback from those who had supervised early-career lawyers on the work readiness of law graduates. Urbis provided input into survey design and administer the surveys.

Each sub survey was structured to take approximately 10 minutes to complete. One sub survey was designed for completion by legal practitioners admitted within the last 10 years, to seek their insights into their own PLT experiences and its impact on their professional development (Graduate Survey). The Graduate Survey was designed to elicit respondents' views of their PLT experience of: Teaching quality and methods; Feedback on compulsory an elective subjects; Assessment and feedback; Work experience; and Overall impressions.

The second sub survey was designed for completion by legal practitioners who have supervised, mentored, or overseen the work of law graduates or early career lawyers, offering perspectives on the practical readiness of new entrants to the legal profession and the effectiveness of current PLT training (Supervisor Survey). The Supervisor Survey was designed to elicit respondents' views of: Satisfaction with the legal skills of entry-level lawyers; the need to supplement PLT; and the regularity of entry-level lawyers demonstrating various legal skills.

To maximise reach and ensure a representative sample, the survey was distributed electronically by the Law Society, with an email invitation from Chief Justice Bell to all of its solicitor members. This email was sent on Tuesday 11 February, 2025 and the survey was open from that date until 28 February, 2025 followed by two reminders in the subsequent "Monday Brief" which is a weekly publication sent by email by the Law Society to its members. The electronic distribution method ensured ease of access and encouraged broad participation from the legal community.

Participation in the surveys was voluntary, and on the basis that responses would remain confidential. A total of 5,292 responses were received. Urbis conducted data cleaning of the responses leaving 4,119 responses received across both surveys for analysis. The data cleaning process removed:

- Incomplete responses, comprising 1,061 respondents, who commenced but did not complete the experiential question posed by the relevant survey;

- Graduate Survey respondents, comprising 108 respondents who were unsure when they completed their PLT; and
- four respondents to the Graduate Survey who indicated that they had completed their PLT in the last 10 years but whose comments indicated this not to be so. Urbis also reviewed the responses:
 - checking for evidence of duplicate IP addresses;
 - checking the length of time taken to complete the survey to identify any respondents completing the survey in a particularly short timeframe; and
 - checking for AI generated responses to the open-ended question.

In the result, Urbis found no evidence that individuals had responded multiple times and have confidence in the accuracy of the data.

Once the data cleaning process was completed, there were 2,599 responses to the Graduate Survey and 2,063 responses to the Supervisor Survey, with 543 respondents responding to both the Graduate Survey and the Supervisor Survey (meeting the criteria to respond to each). This response rate amounts to completion to the survey by approximately 10% of solicitors in NSW and approximately 14% of solicitors with 10 years of less experience.

The Graduate Survey was completed by a broad and representative cross section of solicitors in terms of sector, firm size and location. Most respondents were in private practice (64%), 16% were government lawyers, 11% were corporate or in house lawyers, 3% worked for each of community organisations or “other” and 3% were at the bar. In terms of firm size, 37% were from very large firms (100+), 6% were from large firms (51-100), 9% were from larger medium sized firms (21-50), a fifth were from smaller mid-sized firms (6-20) and 28% from small firms (1-2 and 3-5 both 14%). Respondents worked in the Sydney CBD (63%), Sydney suburbs (23%) and the regions (7% of which 6% worked in inner regional firms and 1% worked in outer regional firms). Respondents also represented a range of student groups in terms of funding for their PLT with 48% receiving HECS funding, 27% paying their PLT fees themselves and 22% having their PLT fees met by their employer. The large majority of respondents completed their PLT full-time (70%) with 30% studying their PLT part-time.

The Supervisor Survey was also completed by a broad and representative cross section of solicitors in terms of sector and firm size. Most respondents were in private practice (73%), 11% were government lawyers, 11% were corporate or in house lawyers and 1% were at the bar. In terms of firm size 33% were from very large firms (100+), 5% were from large firms (51-100), 8% were from larger medium sized firms (21-50), 21% were from smaller mid-sized firms (6-20) and 32% from small firms (1-2 and 3-5 both 16%). The respondents to the Supervisor Survey included employers who funded PLT (31%) and those who did not do so (53%) and were from firms who had employed differing numbers of graduates over the prior 5 years (with over a quarter of respondents (26%) having employed 50 or more graduates in that period, 13% having hired 11-50 graduates, 12% having hired 6-10 graduates, 19% having hired 3-5 graduates and 22% having hired 1-2 graduates.

The large majority of respondents to the Graduate Survey completed their PLT at the College (83%) but other PLT providers accredited in NSW were represented (UTS (5%), Newcastle (2%), UNSW (2%)) as were interstate PLT providers (ANU (6%) and Leo Cussen (<1%)).¹²⁴

Respondents to the Graduate Survey completed their PLT at different providers and at different times (with most respondents (27%) completing their PLT 8-10 years ago, 18% completing their PLT 6-7 years ago, 21% completing their PLT 4-5 years ago, 14% completing their PLT 2-3 years ago and a fifth of respondents completing their PLT within the last 2 years). The range of PLT providers, at which respondents completed their PLT, and the time periods in which they did so means that respondents had a range of experience of modes of delivery, teaching hours per subject and work experience hours. The vast majority of respondents completed their PLT online (68%) with 32% doing so full-time. The vast majority of respondents (69%) completed more than 50 hours of work experience (51-75 hours (22%) and 75+ hours (47%)). Thirty-two percent of respondents completed 50 hours or less of work experience (31-50 hours (12%), 16-30 hours (10%) and 0-15 hours or work experience (10%)). There was a wide range of teaching hours per subject among the respondents with 50% of respondents reporting less than 6 hours of teaching per subject (0-2 hours (30%) and 3-5 hours per subject (20%)). Nine per cent of respondents reported teaching hours of 6-10 hours per subject, 4% reported 11-20 teaching hours per subject, 4% reported completing more than 20 teaching hours per subject and a very large proportion of the respondent cohort were unsure of the teaching hours per subject in their PLT (33%).

Urbis coded a total of 6,174 open ended questions across both surveys. The data collected was then analysed by Urbis and a report dated 9 April 2025 was produced by them. In each sub survey respondents were asked specific questions in relation to which respondents were asked if they strongly agreed, agreed, were neutral, disagreed or strongly disagreed. This enabled the report to include quantitative findings.¹²⁵ Respondents were also requested to provide text based feedback provided in response to open ended questions where respondents were free to write their own comments. This enabled the report to also incorporate qualitative findings.¹²⁶ The PLT Survey results (comprising the results from the Supervisor Survey and the Graduate Survey) and the Urbis report were published by Chief Justice Bell on 14 April 2025 with an invitation for members of the legal profession to make any submissions to the LPAB. The Presiding Member of the LPAB constituted a PLT Working Group, consisting of members of the LPAB and senior legal practitioners from across NSW. To add to the evidence base provided by the PLT Survey, the LPAB also conducted extensive detailed focus group meetings with legal practitioners across the state and across discipline, employer type and practice areas. Further, the LPAB wrote to each of the currently accredited PLT providers providing them with the PLT Survey and results and report and requesting further information from them. The LPAB also engaged in consultations with each law school offering an accredited law degree in NSW. The PLT Survey, the Urbis report, the PLT Working Group meetings, the focus group meetings, responses received to the PLT Survey, the various submissions, and the consultations with the PLT providers and law schools have been used to inform this Discussion Paper.

¹²⁴ Leo Cussen was not accredited as a PLT provider in NSW until after the PLT Survey was undertaken.

¹²⁵ Collecting and analysing the numerical data gathered.

¹²⁶ Collecting and analysing the text-based, non-numerical data gathered.

This Discussion Paper aims to contribute to evidence-based decision-making regarding future improvements in legal training and admission processes in NSW.

6.2 Results of the PLT Survey

Overall Implications

Urbis identified the following six high-level implications of the PLT Survey in their report:

- (1) There is evidence that the current PLT system is not meeting the requirements of both graduates and the profession;
- (2) The entry-level skills expected of early-career practitioners need to be better defined;
- (3) Cost and value for money need to be a consideration in any future changes to early-career lawyer training;
- (4) Work experience or placement seem to be the key facilitator to developing entry-level skills;
- (5) There is significant variation across the profession around capability and capacity to support early-career practitioners; and
- (6) Any online learning should be supported by lecturer contact and critical thinking elements.

Graduate Sub-Survey

Graduates had quite varied views about their PLT experience in relation to teaching quality and methods, assessment and feedback, work experience, usefulness of resources and value for money.

Graduate Sub-Survey Responses to specific questions

Teaching Quality and Methods

In relation to teaching quality and methods more graduates (45% comprising 33% agree and 11% strongly agree) were positive than negative (33% comprising 13% strongly disagree and 23% disagree) about the quality of teaching. More graduates were positive than negative about:

- (1) teaching quality in initial workshops (54% net agree to 25% net disagree);
- (2) teaching methods in initial workshops (52% net agree to 26% net disagree);
- (3) clarity on skills to be developed (46% net agree to 32% net disagree);
- (4) teaching methods (40% net agree to 38% net disagree); and

- (5) more graduates were negative than positive about the amount of live teaching hours to prepare for practice (40% net disagree to 36% net agree).

Assessment and Feedback

In relation to assessment and feedback again more graduates were positive than negative. More graduates were positive than negative about:

- (1) the clarity of grading standards (53% net agree to 22% net disagree);
- (2) the ability of the oral exams administered to test knowledge (50% net agree to 27% net disagree);
- (3) the helpfulness of the feedback provided (46% net agree to 28% net disagree);
- (4) the practicality and relevance of assignments (43% net agree to 36% net disagree); and
- (5) the opportunities to provide feedback (40% net agree to 29% net disagree).

Work Experience

The great majority of graduates considered that the work experience component of PLT built legal skills (74% net agree to 12% net disagree) and that the course workload in this component of their PLT was manageable (71% net agree to 12% net disagree). Many respondents did not consider that the work experience component of PLT was intellectually challenging (47% net disagree to 32% net agree). Graduates who had completed their PLT at the College were asked to comment on:

- (1) the extent to which their required Work Experience Journal supported reflection and respondents were more negative than positive on this (41% net disagree compared to 29% net agree); and
- (2) whether the Compulsory Professional Experience (CPE) component of their PLT supported business and technical skills. Respondents were more negative than positive on this (36% net disagree to 32% net agree).

Usefulness of resources

The great majority of graduates considered that the resources provided as part of their PLT were useful (66% net agree to 16% net disagree).

Value for money

The great majority of graduates did not consider that PLT was value for money (72% net disagree to 13% net agree).

There were significant differences in respondents' views about the quality of teaching, assessment and feedback, work experience and usefulness of resources depending on factors

such as the size for their firm, the time since they completed their PLT, their PLT provider, how their PLT was funded, whether they learned face to face or on-line, full-time or part-time or worked in the Sydney CBD or elsewhere. Urbis reported that graduates were more likely to report positive experiences of their PLT if they worked in firms with 1-2 solicitors, completed their PLT 8+ years ago, completed their PLT at a provider other than the College, self-funded their PLT and completed their PLT face to face and fulltime. Urbis report that graduates were more likely to report negative experiences of their PLT if they worked in very large firms (100+ solicitors), completed PLT within the last 2 years, completed their PLT at the College, had their PLT paid for by their employer and completing their PLT part time and online.

Graduate Sub Survey quantitative findings based on responses to specific questions

In summary the key quantitative findings made by Urbis in the report were that:

- (1) the size of firm significantly impacted on PLT experience with “[r]espondents in large firms with over 100 solicitors generally report[ing] a more negative experience of PLT compared to their colleagues in smaller firms;”
- (2) Respondents who completed their PLT within the last 2 years tended to report more negative experiences than those who did so 8-10 years ago;
- (3) The highest levels of disagreement related to the reasonableness of PLT pricing, whether it was intellectually challenging, whether the compulsory subjects were useful and the overall quality and teaching methods across the PLT;
- (4) The highest levels of agreement were in relation to the usefulness of work experience, the manageability of course workload and the quality and teaching methods of the initial live workshops;
- (5) Work experience was the most useful aspect with about 75% of respondents considering this useful for building legal skills; and
- (6) About 20% of respondents had their PLT funded by their employer. But this was significantly less so for those engaging in government or community legal work.

Graduate Sub Survey responses to open ended questions

Positive Comments

Some respondents provided positive feedback about:

- (1) The practical litigation subject;
- (2) The fact that written objectives were provided;
- (3) Lawyers who were strict in their teaching who provided invaluable real world learnings;

- (4) The ease of enrolment, the materials and the ease of engagement with both the materials and the tutors;
- (5) The approachability of the instructors/lecturers;
- (6) The flexibility of the programme; and
- (7) The knowledge and experience provided.

Negative Comments

Some respondents took the open ended questions as an opportunity to set out a range of concerns about PLT including concerns that:

- (1) Some lawyers teaching in the PLT were “too relaxed which does not equate to real life scenarios”;
- (2) The price, with one student complaining that it took that student 3 years after completing their law degree to raise the funds to complete PLT after completing and another complaining that their employer required a certain period of service of graduates for whom that firm met PLT fees;
- (3) PLT feeling like a “rubber-stamping exercise” or “a box ticking exercise that gave very limited real world experience”;
- (4) PLT “felt more like an extension of university [than] teaching...the ins and outs of being lawyers and advocacy in the court room”;
- (5) The “poor standard” of assessments which meant that “Students could not fail” and with “students ...pretty much guaranteed a pass with examiners assisting students during their exams”;
- (6) A lack of punishment for academic misconduct with an example provided of a student submitting work with another student’s name on it but simply being asked to resubmit;
- (7) A lack of any meaningful attempt to ensure that students actually learned what they were taught or “genuine opportunity to build legal skills [in] the short time given for each course [which] was not conducive to any retention of information or deep learning of any topic”; and
- (8) The College’s CPE component in which “really old and likely out dated videos from the early 2002” were used.

Urbis reported as a finding that: “[m]any respondents reported a negative experience of the online format of training including hurried and surface level learning and a lack of teaching.”

Some respondents were particularly critical of the work experience component of the PLT complaining that:

- (1) They were forced “to take a low paying (or non-paying) job for the mandated duration”;
- (2) “Many unscrupulous firms...seek to exploit students;” with some promising potential future paid employment which they “do not intend to offer” and others not paying students whilst charging clients for their work;
- (3) They were “assigned...administrative tasks only” and not “meaningful or intellectual tasks”;
- (4) The utility “largely depends on where you complete your experience and how much your supervisor invests in you”; and
- (5) One respondent suggested that “Law firms who want to take PLT student on should be required to do some training beforehand and that “screening needs to take place to ensure that vulnerable students are not taken advantage of”.

Graduate Sub Survey qualitative findings based on responses to open ended questions

In summary the key qualitative findings made by Urbis in the report were that:

- (1) PLT was an irrelevant box ticking exercise of minimal value and an unnecessary hurdle to practice;
- (2) materials were sometimes out of date;
- (3) about 75% of respondents completed PLT on-line or in hybrid mode using methods reported to lack depth and without active engagement or supporting critical thinking;
- (4) respondents preferred face to face learning;
- (5) there was a lack of academic rigour with PLT hard to fail and re-use of prior year assessments leading to sharing of answers;
- (6) PLT costs were prohibitive;
- (7) some respondents with prior legal experience did not see the value of PLT work experience; and
- (8) some work experience was poorly supervised, involved administrative tasks, was unpaid or based on false understandings of future work.

Supervisor Survey quantitative outcomes based on responses to specific questions

The overall impressions of the majority of supervisors was that they were not satisfied with the legal skills of entry level lawyers (42% to 31%) and that graduates needed to supplement their skills to perform entry level tasks (often/always (80%) or sometimes (15%)) with only 3% of

respondents saying this was so only rarely or never. However by a large majority they agreed that graduates could manage coursework and employed work (57% to 16%). The large majority of supervisors were aware of the student skills that they were to develop as supervisors in PLT (52% to 29%).

The majority of respondents to this survey considered that entry level lawyers demonstrated an acceptable standard of competence in the following areas which are listed below from the most favourable:

- (1) legal research (91% net agree to 8% never/ rarely);
- (2) written communication (88% net agree to 12% never/rarely);
- (3) ethical decision making (86% net agree to 12% never/rarely);
- (4) legal competency (79% net agree to 20% never/rarely);
- (5) time management (76% net agree to 23% never/rarely); and
- (6) drafting advices (62% net agree to 37% never/rarely).

More respondents to this survey considered that entry level lawyers demonstrated an acceptable standard of competence in the following areas than those who did not consider this was so. Again these are listed below from the most favourable:

- (1) rendering bills (42% net agree to 33% never/rarely);
- (2) receiving client money (39% to 32% never/rarely); and
- (3) fiduciary and trust accounting (38% net agree to 35% never/rarely).

However these questions attracted the largest number of respondents who responded that they were unsure or that the question was not applicable (23%-28%).

The majority of respondents to this survey considered that entry level lawyers failed to demonstrate an acceptable standard of competence in dispute resolution skills (56% never/ rarely to 37% net agree).

Supervisor Sub Survey Quantitative findings based on responses specific questions

In summary the key quantitative findings made by Urbis in the report were that:

- (1) There was a high level of dissatisfaction (42% of supervisors) with the skill level of new lawyers: 80% of respondents needed to always or often support staff to perform entrance level tasks;

- (2) PLT graduates were commonly able to demonstrate legal research, decision-making and written communication skills but to lack competence in drafting advice and dispute resolution skills; and
- (3) Larger firms were more likely to report satisfaction with graduate legal skills in written communication, legal competence, time management and ethical decision making and their graduates' ability to manage their coursework and employed work. Urbis opine that "[t]his suggests there may be some differences in the quality of graduates recruited by larger firms where PLT course fees are often employer funded and where there are also greater resources to support the training of early-career professionals".

Supervisor Survey responses to open ended questions

Positive Comments

Some respondents considered that the College program specifically was valuable and equipped "young lawyers with essential practice papers and practical skills", serving "as a solid foundation for their legal career."

Others commented that PLT equipped "graduate lawyers with a real sense of legal practice," commenced "the exposure to 'real life' law and that "the PLT program prepared graduates for real life practice." One respondent commented that "the PLT is a program is a great mechanism to teach those skills such as file management, professional responsibility and client engagement without the level of expectation that comes with qualification." Another that "PLT is well regarded in house and by those who have recently completed the training. The standard of PLT is very good."

Negative Comments

Although this may be more a criticism of law degrees and the career aspirations of law students,' one respondent observed that "[t]he PLT component seems to be the first practical training that law students undertake (except if previously employed in a practice)." Respondents indicated that a reduction of the costs "would be appreciated" and referred to "what appears to be an exorbitant fee charged for the PLT course." Other respondents complained:

- (1) That they had been "quite shocked by the diminishing quality of work and knowledge of people who complete PLT and commence their role as lawyers. I have observed people having limited skills and knowledge about basic litigation processes, legal practices and writing skills";
- (2) "about the lack of real exposure to some of the more basic legal tasks and the lack of guidance and support being offered";
- (3) That "it is geared towards lawyers working in small suburban firms or as sole practitioners doing conveyancing and local court work" and that it was "viewed by incoming graduates to Big Law as a necessary inconvenience rather than a valuable learning experience"; and

- (4) That the PLT did not “materially contribute to graduate’s skill base and the vast majority of useful and required skills are taught in house by more senior practitioners” and that PLT takes graduates away from learning “the practical skill they require through professional mentoring and integration into the team of practitioners working around them”.

Supervisor Sub Survey Qualitative findings based on responses to open ended questions

In summary the key qualitative findings made by Urbis in the report were that:

- (1) PLT graduates were not always adequately prepared for the realities of work lacking practical skills and insufficient knowledge regarding legal practice;
- (2) some respondents queried the benefits of PLT and suggested work experience was “a more appropriate platform to support practical legal training”;
- (3) drafting, writing, interpersonal, research, time management and analytic skills and professional conduct and ethics were not being sufficiently taught in PLT was a common report; and
- (4) 80% reported a need to supplement PLT and there was a common view that legal skills were best learnt on the job under supervision of an experience practitioner. Some expressed concern about the ability of smaller firms to provide this level of supervision.

Additional submissions received by Urbis

In addition to the PLT Surveys a number of lawyers made further submissions to Urbis which are summarised below:

Fees

Some submissions complained about the fees and their impact on the accessibility of PLT – and entrance to the legal profession - especially for mature age students.

Workplace experience

Some submissions complained about lengthy unpaid placements and exploitation by firms with “faux promises of employment or potential employment opportunities down the line.”

Recognition of prior learning (RPL)

One submission referred to a lack of knowledge of RPL, of the difficulties of obtaining RPL and suggesting that those with 10 years of fulltime government service be exempted from PLT.

Poor grammar and writing skills

One submission complained “about the paucity of competent young lawyers with a basic understanding of grammar, how to write in “Plain English and how to structure a logical argument.”

Poor skill development and inaccurate materials

One submission complained that students “go through the motions” at the College developing few skills other than “a good understanding of trust accounting, costs disclosure obligations and billing practices”. This submission expressed concern “with the lack of teaching around drafting formal email communications, and how to locate information to enable students to undertake tasks. For example, there does not appear to be training around the use of court precedents (correct form for court documents), the Uniform Civil Procedure Rules 2005 (NSW), how to utilise practice notes and essential ‘tools’ for practice.” The same submission complained that “certain practices taught do not reflect actual practice at all.”

Poor behaviour of College teaching staff

One submission raised concerns of bullying and false reports of plagiarism at the College. The respondent noted that this could be an isolated incident and that they believed that the College was aware of it.

Suggestions for reform

Some submissions included proposals for reform including:

- (1) replacing PLT with a “rigorous two-day written and practical skills exam” and a 70 day structured paid legal placement in a law firm, government agency or in-house legal department which will be bound by a mandatory Code of Conduct;
- (2) Introducing a pre-PLT (and pre-law degree) course in grammar, how to write in “Plain English and how to structure a logical argument”;
- (3) The reintroduction of articles of clerkship;
- (4) Greater focus on ethics and professional conduct; and
- (5) Replacing PLT by practical components and assessments in subjects taught as part of the law degree and the introduction of a uniform graduate solicitor program with mandatory placement requirements. The same submission noted that their law degree did include some practical assessments which were replicated at the College.

7. Working groups, consultations, submissions and other feedback

7.1 PLT Working Group

The Presiding Member of the LPAB convened a PLT Working Group consisting of senior lawyers, academics and members of the LPAB.¹²⁷ The PLT Working Group identified a number of issues:

- (1) the perceived benefits of practical training being provided by legal practitioners rather than by academics;
- (2) the importance of lawyers skills (sometimes called “soft skills” – e.g. answering phones, attending meetings) and ethics for early career lawyers;
- (3) the importance of distinguishing between the different needs of different legal practices;
- (4) the fact that, in all areas of practice, early career lawyers learned best and most of what they needed to learn in practice;
- (5) the importance of extensive training/examination in trust accounts and business development before lawyers might be permitted to be principals, noting that that possibility only arises after two years in practice;
- (6) the perception (and in many cases the reality) of PLT as a “box ticking” exercise;
- (7) scale and the risks of crowding out law electives if universities providing PLT as part of a law degree; and
- (8) the need to avoid PLT being a barrier to entry to the profession due to cost.

7.2 LPAB PLT Working Group

The Presiding Member of the LPAB also convened a PLT Working Group consisting of a sub-group of members of the LPAB and senior lawyers.¹²⁸ The LPAB PLT Working Group identified a number of issues:

- (1) the perceived value of training in ethics and court conduct and basic court procedure such as calling on a subpoena;
- (2) the importance of basic skills in English, spelling and grammar and soft skills such as speaking on the answering phone and drafting letters of advice for early career lawyers;
- (3) the importance of extensive training/examination in trust accounts before lawyers might be permitted to be principals; and

¹²⁷ Justice Payne, Justice Peden, Ross Drinnan, Robert Hollo SC, Kimberlei Goodacre, Ed Muston SC, Heather Moore, Janine Daher, Jerry Riznyczok, Julian Castaldi, David Allen, Professor Andrew Lynch.

¹²⁸ Justice Payne, Justice Kirk, Heather Moore, Paula Roberts, Wen Ts'ai Lim, Jerry Riznyczok, Jennifer Ball, Professor Lise Barry and Hayden Fox.

- (4) the need to avoid work experience being exploitative and a significant barrier to entry.

7.3 Meetings, feedback and submissions from lawyers

In addition to the evidence base provided by the PLT Surveys, extensive consultations were held with lawyers from across a wide range of disciplines, sectors and regions including family law practitioners, rural lawyers, large firm lawyers, government lawyers and entry level lawyers. A summary of these consultations is set out in Attachment C to this Discussion Paper.

7.4 Submissions received by the LPAB and the Chief Justice following release of the Urbis survey and report

The LPAB and Chief Justice of New South Wales received written submissions from legal practitioners following release of the PLT Survey and report by the Chief Justice. A summary of these submissions is set out in Attachment D to this Discussion Paper.

7.5 Feedback received from PLT providers

The LPAB has received responses from each PLT provider to requests for information about syllabus, teaching materials, methods of teaching and assessment, staffing, training, complaint processes, approval processes for supervisors of work experience, resubmission, grade distribution and failure rates. This material is voluminous. Following receipt of these materials, meetings have occurred at least twice with each PLT provider. Those meetings are summarised together with a brief summary description of some of the key points from the correspondence in Attachment E to this Discussion Paper.

7.6 Feedback from meetings with law schools

Consultations were held with most NSW law schools. A summary of these consultations is set out in Attachment F to this Discussion Paper.

8. Critique

The sections below outline the main areas of concern arising from the primary criticisms of PLT courses identified by the participants in the PLT Surveys, the Working Groups and other submissions and consultations referred to above.

High fees/ lack of value for money

All PLT programs are currently offered as graduate diplomas (with the exception of Newcastle and UTS, which offer a graduate certificate when PLT is undertaken together with a law degree). This has the benefit of potentially attracting CSPs and enabling those students who have not reached their FEE-HELP limit to access FEE-HELP. This structure also gives graduates a formal qualification (which as a qualification at an AQF level above a *Bachelor of Laws* would meet the minimum TEQSA requirements for graduates to teach into that degree). This approach brings the course within the AQF and TEQSA statutory and regulatory requirements which has benefits but adds compliance costs. Teaching PLT in a particular graduate certificate or diploma structure also impacts on fees because universities – and other providers – usually charge students completing postgraduate qualifications by coursework in the same or similar discipline areas around the same fees. They also benchmark their fees by reference to other providers offering the same or similar postgraduate qualifications. Universities usually set the fees for postgraduate qualifications at a higher level – commensurate with the AQF level – than those of an undergraduate degree.

Whilst the fees of over \$10,000 (in the case of domestic students prior to the price reduction in February 2025) for PLT at the College, for example, were a main complaint, it does not appear that the College charges fees which are at significant variance with the fees charged by other providers offering PLT. The College's PLT qualification – and the PLT fees of other providers – are significantly higher than a single undergraduate university law subject, which costs students less than \$2,000 (in most cases less than \$1,500).¹²⁹ A student completing a PLT within an AQF qualification structure is completing a full AQF qualification at Level 8 and earning credits for multiple subjects.

If PLT was provided in a structure other than an AQF qualification, whilst the potential for students to access FEE-HELP would be lost, it should be able to be provided at a lesser cost. If some or all of the PLT could be folded into law degrees additional fees may be avoided. If some or all of the PLT could be completed post admission, fees would be tax deductible and may be more likely to be met by employers.

The Competency Standards generally are not fit for purpose

PLT was designed as a bridge between completion of a law degree and entering legal practice. As it was put by one observer in 1985, PLT by way of coursework evolved in order to:

¹²⁹ See, e.g., UNSW Law & Justice, 2025 Domestic Fee Paying Tuition Fees (Website), available at <<https://www.student.unsw.edu.au/fees/domestic/law>>; UTS, *Bachelor of Laws* (Website), available at <<https://www.uts.edu.au/study/find-a-course/bachelor-laws>>.

...overcome the inadequacies of articles training by providing training in the essential skills and major areas of practice so as to ensure that a person entering the legal profession can function at a standard of competency which can reasonably be expected of a first-year practitioner.¹³⁰

The level of pre-admission training required to bridge that gap must be understood in the context of the nature of the practice that may be undertaken by newly admitted lawyers. McMillan and Lilley note that when one of them undertook a PLT course, in 1985 in South Australia, a new practitioner then obtained an unrestricted practising certificate, and some new graduates would immediately establish their own firm.¹³¹ It is understandable that a substantial degree of practical training would be required before a new lawyer was admitted in that regulatory environment. That environment no longer exists.

First, as explained above, newly admitted solicitors obtain only a restricted practising certificate. They are not permitted to practise by themselves until two years of supervised practice have passed and they have undertaken the PMC required by the Law Society.

Second, the legal profession today involves a wide range of different practice types and discipline areas. It is evident from the feedback, considered in this Discussion Paper, that PLT does not currently prepare graduates adequately for any or all of those varied forms of practice. It would be unrealistic to expect that it might be able simultaneously to prepare graduates for large firm commercial or finance or litigation and dispute resolution practice, for practice within the corporate, government or not-for profit/charity sectors, for rural or suburban general practice or for specialist practice such as family, migration, insurance or insolvency law.

Moreover, even apart from the significant differences that exist in the various practice areas (e.g. civil vs criminal practice; small generalist practice vs large commercial law firm), different employers and different supervisors will have their own drafting approaches and styles, their own approaches to the use of technology and of artificial intelligence (AI). These practical issues are linked to the point made emphatically in the course of the consultation process – it is work experience in a particular workplace that is the best teacher of the practical legal skills that a new lawyer will need to operate both as a lawyer generally and in their own new workplace.

The current Competency Standards in general are unrealistic and do not reflect what a PLT program can reasonably be expected to achieve. For example, the descriptor for the competency “Lawyer’s Skills” in the Competency Standards¹³² is: “An entry-level lawyer should be able to demonstrate oral communication, legal interviewing, advocacy, negotiation, dispute resolution, letter-writing and drafting skills”. To what standard must the lawyer be able to undertake, say, advocacy? Being able to demonstrate advocacy skills does not mean that the lawyer is ready to run a trial. On the other hand, there is something to be said for all lawyers to have had *some* training in advocacy.

¹³⁰ Frank Langley, ‘Preparing for the Practice of the Law: Post-Graduate Pre-Admission Training in Australia’ (1985) 3(2) *Journal of Professional Legal Education* 81, 82.

¹³¹ James McMillan and Rob Lilley, “Why Isn’t All Legal Education Practical?” (2025) 3 *Western Australian Law Teachers Review* 49, 50-51.

¹³² Competency Standards, [20].

One of the compulsory practice areas is “Civil Litigation Practice”. The relevant “descriptor” for this competency in the Competency Standards is: “An entry-level lawyer should be able to conduct civil litigation in first instance matters in at least one State or Territory court of general jurisdiction, in a timely and cost-effective manner”.¹³³ A newly admitted lawyer could not reasonably be expected to be able to conduct a first instance civil case of any significance by themselves. Any employer that expected a newly admitted lawyer to do so would be risking its client’s interests and its own reputation. That is not to say that a first year lawyer might not be given significant responsibility in conducting some litigation by some employers, but that should only occur under supervision and after some training by the employer.

The Competency Standards go on to list five elements for “Civil Litigation Practice” involving a total of 26 performance criteria.¹³⁴ No doubt those matters are a reasonable summary of what a litigious process may commonly involve. But it is not realistic to expect a newly admitted lawyer immediately to be able to undertake all such tasks.

For the competencies that all law graduates must study (i.e. all competencies other than the two optional requirements) there is a total of 146 performance criteria.

The Competency Standards also require that law graduates choose two out of eight optional practice areas to study. No doubt these are intended to develop specialist and advanced skills. Yet such skills are more realistically able to be developed over time and in practice. A review of the descriptor and performance criteria set out for Administrative Law Practice, for example, illustrates the problematic nature of the current Competency Standards as expectations to be achieved in the completion of PLT. They are simply too ambitious. The descriptor sets the expectation that on completion of this component of PLT every student should be able to:

- (a) obtain information for clients under freedom of information legislation and otherwise;
- (b) seek review of administrative decisions; and
- (c) represent parties before courts and administrative tribunals.¹³⁵

The Competency Standards then identify three elements involving a total of 11 performance criteria. Those include having represented a “client effectively at, or participated in or observed, any mediation, hearing or other proceeding, where this is appropriate or permitted”.¹³⁶ If the implication is that the new law graduate should then be able to meet that standard in practice, it is again unrealistic. In a PLT elective course it might be reasonable to expect that a PLT student might be introduced to these matters. For example, a student might complete the necessary application documents for a freedom of information application and perhaps might participate in a simulation of an application in an administrative law matter. The aim could reasonably be to introduce them to skills which, with further training and oversight in the profession, would equip

¹³³ Ibid [13].

¹³⁴ Ibid.

¹³⁵ Ibid [11].

¹³⁶ Ibid.

them to work with more experienced lawyers to seek review of administrative decisions, represent parties before courts and administrative tribunals, and such like.

There are limits to which such skills taught in the artificial context of a PLT course alone suffice to equip new graduates for legal practice. To master many of the skills required involves repetition and what has been described as “over-learning”. That is, they must be taught, learnt, practised and repeatedly assessed on a progressive basis. As Brown and Knight observe:

Clearly progression implies an overview of the learning and assessment arrangements to ensure that students do not simply get one opportunity to work on oral presentations, working under just one set of constraints, displaying only one aspect of what they might learn to do. Progression is about building on opportunities for learners to show themselves to be virtuosos – or very much in need of more learning.¹³⁷

Hattie describes “over-learning” this way:

Over-learning is what happens when we reach a stage of knowing what to do without thinking about it; its critical feature is that it reduces the load on our thinking and cognition, allowing us to attend to new ideas. To reach such a state of over-learning requires much deliberate practice – that is extensive engagement in relevant practice activities for improving performance (as when swimmers swim lap after lap aiming to over-learn the key aspects of their strokes, turns and breathing). It is not deliberate practice for the sake of repetitive training but deliberate practice focused on improving particular aspects of performance, to better understand how to monitor, self-regulate and evaluate one’s performance and to reduce errors.¹³⁸

Not only do the Competency Standards involve unrealistic expectations, they cover a range of areas which will not be relevant to all lawyers in their future practice. As McMillan and Lilley note:

A key criticism of the *LACC Standards* is that they focus on specific practice areas, rather than on developing broader skills and knowledge which are relevant to new practitioners in multiple practice areas.¹³⁹

The proper focus in pre-admission PLT should be on basic lawyer skills which are required for lawyers generally in the contemporary legal workplace. As McMillan and Lilley observe:

[T]he LACC Standards were based on principles developed in the 1990s, they were first released in 2002, and they were late revised in 2015 and 2017. Given the vast changes to the legal profession in the past 30 years it is questionable whether competency standards first developed so long ago continue to meet the needs of the profession.¹⁴⁰

After a process led by a Commission of Inquiry, involving much interaction with the legal profession, in 2017 the Law Society of NSW published the Future of Law and Innovation in the

¹³⁷ Sally Brown and Peter Knight, *Assessing Learners in Higher Education* (Routledge Farmer, 2004) 123.

¹³⁸ John Hattie, *Visible Learning for Teachers Maximising Impact on Learning* (Routledge, 2012) 21.

¹³⁹ Rob Lilley and Jim McMillan, “After Law School: A Critical Evaluation of Practical Legal Training in The Australian Context” (2024) 2 *Western Australian Law Teachers’ Review* 1, 7.

¹⁴⁰ *Ibid.*

Profession report (the FLIP Report).¹⁴¹ In relation to Legal Education it summarised its findings as follows:

In a changing environment, the skills and areas of knowledge likely to be of increasing importance for the graduate of the future include:

- technology
- practice-related skills (eg collaboration, advocacy/negotiation skills)
- business skills/basic accounting and finance
- project management
- international and cross-border law
- interdisciplinary experience
- resilience, flexibility and ability to adapt to change.¹⁴²

The FLIP Report also noted that:

Further consideration and research has been identified as being necessary to determine how these skills and knowledge areas could be taught within existing curricula.¹⁴³

Some but not all of the skills, identified by the FLIP Report, will be required generally of lawyers. McMillan and Lilley suggest that matters of general relevance to new lawyers which might form part of a PLT program include “the use of artificial intelligence, the role of experts in legal practice (such as forensic scientists, psychologists and accountants) or even the significance of morality in legal practice?”¹⁴⁴ Again some but not all of the skills identified by McMillan and Lilley and in the FLIP Report will be required generally of lawyers. As different firms and practice areas will have, and make different usage of, specific technology and take different approaches to the use of AI, consideration would need to be given to whether skills in these areas might best be taught in a general way to all graduates prior to admission or whether they ought be developed in context in practice.

In sum, the standards expressly or implicitly expected of newly admitted lawyers set out in the Competency Standards are unrealistic and cannot be achieved simply by *teaching* as opposed to *doing* and *doing* many times in context. Moreover, the competencies need review to be more appropriately focused on what is required by a very diversified, varied profession practising in the 21st century.

¹⁴¹ The Law Society of NSW, “Future of Law and Innovation in the Profession” (Flip Report, 2017), available at <<https://www.lawsociety.com.au/sites/default/files/2018-03/1272952.pdf>>.

¹⁴² Ibid 6.

¹⁴³ Ibid.

¹⁴⁴ Rob Lilley and Jim McMillan, “After Law School: A Critical Evaluation of Practical Legal Training in The Australian Context” (2024) 2 *Western Australian Law Teachers’ Review* 1, 7

Having offered these general observations, it is appropriate to address the specific competencies set out in the Competency Standards.

The “skills” competencies

The Competency Standards list four categories under the generic heading of “Skills”, those being: “Lawyer’s Skills”, “Problem Solving”, “Work Management and Business Skills” and “Trust and Office Accounting”.¹⁴⁵

The first three categories overlap to some extent, insofar as they involve basic skills that all, or at least most, lawyers are likely to need.

All graduates should enter the legal profession with at least some minimum common basic skills, including some of those addressed in these categories. There should, for example, be some training in basic legal tasks such as taking instructions, interviewing possible witnesses, dealing with colleagues, writing client advices, making file notes and making oral presentations. It is desirable that new lawyers have some experience of court processes and etiquette. It is evident from the feedback considered in this Discussion Paper that such basic skills and understanding are not uniformly being achieved at present. The changing nature of the legal profession may also require the inclusion of other skills and training.

Thus broadly speaking – and subject to the general observations just made – the matters focused upon in the first three competencies are appropriate matters to be the subject of PLT teaching in order to bridge the gap between academic study and being admitted as a legal practitioner.

The fourth category, Trust and Office Accounting, involves content which is more debateable.¹⁴⁶ The receipt of and accounting for client funds is a matter which has long been subject to a high degree of regulation. Failure to comply with those regulatory requirements can lead to disciplinary action against solicitors, up to and including being struck off the Roll. In this context there was widespread support in the consultation process for requiring that law graduates have this issue firmly placed on their “radar”. In other words, new graduates should gain a basic understanding that this is an area which must be approached with caution (and why that is so) and, if the issue arises in their early years, they need to understand that they should seek guidance as to how to proceed.

Equally, there was a widespread view, expressed in the consultation process that newly admitted graduates do not need to be taught the detail of the trust accounting process. That view reflects the following:

- Most lawyers are unlikely to ever have to engage with the detail of that process. Some private law firms do not run trust accounts, and medium and large sized law firms will generally have specialist staff dealing with the issue. Receipt of client funds is unlikely to arise for lawyers working for government bodies, in-house, or for Legal Aid.

¹⁴⁵ Competency Standards, [3(1)].

¹⁴⁶ Ibid [24].

- As explained in [2.6] above, lawyers cannot obtain an unrestricted practising certificate until they have completed the PMC, including by passing the Trust Accounts Final Exam.

In this context, there is good reason to streamline what is required to be taught and assessed with respect to Trust and Office Accounting.

The “compulsory practice areas” competencies

There are three compulsory practice areas: “Civil Litigation Practice”¹⁴⁷, “Commercial and Corporate Practice”¹⁴⁸ and “Property Law Practice.”¹⁴⁹ As regards the first of these, many lawyers will not engage in a practice involving any significant degree of litigation. On the other hand, the *possibility* of litigation on any particular issue is something that all practising lawyers could and should keep in mind. There is thus utility in all newly admitted lawyers having a basic understanding of the processes of litigation. That being said, one of the required Priestley 11 subjects is “Civil Dispute Resolution”. That subject, together with “Ethics and Professional Responsibility”, should clearly have a practical focus even when taught as an academic subject.

In the consultation process, some senior solicitors practising in criminal law queried why civil litigation was a compulsory requirement but criminal litigation was not. It was pointed out that criminal litigation can also be just over the horizon in certain circumstances, and that there is utility in all practitioners having a basic understanding of criminal legal processes. There is some force in that point. Again, however, one of the Priestley 11 subjects is “Criminal Law *and Procedure*” (emphasis added), which involves the topic, amongst other things, of “elements of criminal procedure.”¹⁵⁰

An appropriate balance might be struck by seeking to ensure that the academic subjects of “Civil Dispute Resolution” and (to a lesser extent) “Criminal Law and Procedure” are taught in law schools with a practical focus, but also to require that some top-up or capstone training on key practical aspects of litigation generally is provided as part of pre-admission training. More advanced training in civil or criminal litigation could be offered as optional practice areas post-admission.

Turning to the second category in this section, Commercial and Corporate Practice, this involves four “elements”, being “conducting commercial transactions”, “setting up commercial structures”, “dealing with loans and securities” and “advising on revenue law and practice”. To some extent the first topic should have been addressed in the Priestley 11 subject of “Contracts”, and aspects of the second in the subject of “Company Law”. Banking/finance and taxation are not Priestley 11 subjects. That being said, somewhat similarly to the Trust and Office Accounting issue addressed above, it can reasonably be argued that new graduates should have on their “radar” what broad possibilities and dangers to be aware of when, say, making agreements. In

¹⁴⁷ Ibid [13].

¹⁴⁸ Ibid [14].

¹⁴⁹ Ibid [23].

¹⁵⁰ Admission Rules, Sch 1, [3(i)].

sum, there is reason to doubt that all of the content of this category needs to be taught to all new law graduates, but that is not to say that all of it should be abandoned.

The third category is “Property Law Practice”. The descriptor for this competency is as follows:

An entry-level lawyer should be able to—

- (a) convey, lease and mortgage real property, and
- (b) provide general advice on standard matters arising under local government, planning, environmental or other legislation relating to land use in the relevant State or Territory.¹⁵¹

Most solicitors now would not be engaged in any significant way with property law. Even for small general practices, the rise of licensed conveyancers has meant that conveyancing is no longer the mainstay of small firms that it once was. And yet the competency currently requires, for example, all students to learn how to complete a conveyance. And, again, “Property” is a Priestley 11 subject.

There is good reason no longer to require that this competency be mandatory in PLT.¹⁵² It could appropriately be addressed as an option for those who wished to pursue it.

The “optional practice areas”

The Competency Standards list eight “optional practice areas”, of which new graduates are required to undertake training in two. The eight areas are:

- (1) Administrative Law Practice;¹⁵³
- (2) Banking and Finance;¹⁵⁴
- (3) Criminal Law Practice;¹⁵⁵
- (4) Consumer Law Practice;¹⁵⁶
- (5) Employment and Industrial Relations Practice;¹⁵⁷
- (6) Family Law Practice;¹⁵⁸

¹⁵¹ Competency Standards, [23].

¹⁵² See Jim McMillan and Rob Lilley, “After Law School: A Critical Evaluation of Practical Legal Training in The Australian Context” (2024) 2 *Western Australian Law Teachers Review* 1, 7

¹⁵³ Competency Standards, [11].

¹⁵⁴ *Ibid* [12].

¹⁵⁵ *Ibid* [16].

¹⁵⁶ *Ibid* [15].

¹⁵⁷ *Ibid* [17].

¹⁵⁸ *Ibid* [19].

- (7) Planning and Environmental Law Practice;¹⁵⁹ and
- (8) Wills and Estates Practice.¹⁶⁰

Those topics do not come close to covering the field of modern legal practice. For example, they do not encompass personal injury/workers compensation, intellectual property, government practice (which is only partially addressed by “Administrative Law Practice”) or community legal centre practice. The fact that a new graduate is required to complete only two of these options suggests that this requirement is intended to develop some practical skills and understanding in particular areas of the law, as chosen by the lawyer to reflect their own interests and the likely nature of their practice.

Two key points emerged from the consultations with respect to this requirement. First, whilst there is utility in requiring new graduates to undertake some further training in areas in which they are likely or wish to practice, there is much to be said for requiring this after they have commenced in practice. That way, the graduates will likely have a greater appreciation of what practice areas are of interest to them and/or which they are going to pursue. Further, such training is best undertaken when they have gained at least some experience of practice. That would allow a greater degree of assumed knowledge in the training, and would likely offer greater benefit to the new lawyers. That point fits with the suggestion made below that there newly admitted lawyers should be subject to a requirement to undertake additional CPD for the first two years of practice.

Second, the enumeration of these eight practice areas has had the effect of stultifying potential training in other areas of legal practice. One PLT provider noted that it saw utility in offering training in, for example, government practice. Thus, assuming that a requirement to undertake training in two specialist practice areas is retained at all, there is much to be said for either abolishing the enumerated list of subject areas or expressing it in a way which is not exhaustive.

The “values” competency

Under the heading of “Values” there is one listed competency, being “Ethics and Professional Responsibility”. That is precisely the same label as is applied to the relevant Priestley 11 subject. As already noted, that subject clearly is one which should have a significant practical focus. The consultations with universities suggested that many taught it in the final year of their law degrees, but others taught it at the beginning in a manner linked to the notion of introducing students to law more generally. On balance, there is much to be said for requiring that subject to be undertaken towards the end of a law degree, at a time more proximate to when it is going to start to matter.

Moreover, by that time law students should have begun to gain a deeper appreciation of what it means to be a lawyer, that is to say, a legal professional. As Levin has observed:

¹⁵⁹ Ibid [21].

¹⁶⁰ Ibid [25].

To be a professional is not only to have a certain job but almost to become a certain type of human being¹⁶¹....In uncertain situations, a professional asks himself, "What should I do here, given my professional responsibilities? [A] profession is not just a collection of people with a certain body of knowledge and skills. It's a collection of people using their knowledge and skills to achieve a morally freighted purpose and of doing so in a way constrained by obligations and responsibilities. It is for of organizing knowledge, people and action toward a particular way of working in the world. [The professions] give their members skills, norms and habits; they provide them with networks and frameworks. They also offer objects for devotion and commitment – by inspiring loyalty both to the proper [practice of the discipline and to fellow practitioners of it. The professions and depositories of expertise and framers of its proper uses. They give people a part to play in a larger whole.¹⁶²

To become a member of the legal profession requires the development not just of technical abilities but the formation of character.

All that being said, even if the ethics subject is required to be taught towards the end of a law degree, there is still something to be said for reiterating and reinforcing the importance of a lawyer's ethical obligations as part of PLT.

Incidentally, it can be argued that the use of a subjective term such as "values" might be reviewed. Some have identified the usage of that term as apt to cause confusion rather than clarity. The Canadian philosopher George Grant observed that: "Values language is an obscuring language for morality, used when the idea of purpose has been destroyed."¹⁶³ This is because it is usually employed to refer to an individual's or organisation's personal and subjective preferences or motivations but it carries with it an aura of being more. Whilst neither the Priestley 11 nor the Competency Standards specifically refer to it, there is a long and rich tradition and history of the expectations, duties, responsibilities and obligations of the professions and of professionals and in particular of the legal profession. Greater clarity can usually be found by using terminology which has more objective meaning.

The value of face to face teaching in PLT programs

The face to face skills component of PLT is valuable. On-line learning can be well designed and structured. Nevertheless, face to face time is critical to the development of relationships and to enculturation into the legal profession. Feedback about the importance of relationships formed during PLT, particularly to regional and remote lawyers, stressed that, in the legal profession, colleagues with different specialisations, who can act as sounding boards to ethical and other professional conundrums and who can act as agents or provide recommendations for other lawyers are extremely valuable. Particularly where PLT is completed by cohorts who have not studied their law degree together, the time spent together face to face during PLT can perform an important role in maintaining and building the sense of camaraderie and belonging which is

¹⁶¹ Yuval Levin, *A Time To Build* (Basic Books, 2020) 69.

¹⁶² Ibid 70.

¹⁶³ Quoted in Iain Benson, "My values, your values and objective truth" (Warrane College, Website), available at <<https://warrane.unsw.edu.au/my-values-your-values-and-objective-truth/#:~:text=%E2%80%9CGrant%20once%20said%20this%20about,the%20beautiful%20and%20the%20true%20>>.

essential for a profession. These relationships are not just developed between students in the cohort but also ideally with the lawyers who are instructing and guiding them in the PLT delivery.

As many of the skills which PLT needs to develop remain skills which are still utilised in the legal profession primarily in an in person setting – meetings, Court or Tribunal applications, negotiations, mediation – there is real benefit to simulations being in person so that they are as realistic as possible. Learning skills outside of legal practice is itself an artificial exercise – moving that to an on-line setting adds to the feeling and reality of artificiality. In person learning provides opportunities for discussion and feedback outside of class time with fellow students and instructors which is very difficult to simulate in AVL. In person learning also permits the engagement of all the senses. Some studies have indicated that most people learn only 10% of what they read, only 20% of what they hear and only 30% of what they see but they learn 50% of what they see and hear and 70% of what they talk over with others.¹⁶⁴ The point is not that these figures are definitive; it is rather to illustrate the importance of in person interactions as a means of learning.

According to Biggs and Tang “[a]rguably the most powerful enhancement to learning is feedback during learning.”¹⁶⁵

We learn through activating different sense modalities: Hearing, touch, sight, speech, smell and taste. The more one modality reinforces another, the more effective the learning...The more teaching/learning activities tie down the topic to be learned to multiple sensory modes, the better the learning.¹⁶⁶

As some students may study their law degree largely or entirely on-line, the inclusion of a face to face component in PLT is essential.

The importance of experience working in the profession and knowing lawyers

As already noted, a strong theme of the consultations was that the best form of practical legal training was being trained whilst working. Many senior practitioners said they had observed a significance difference, in terms of being ready to work as new lawyers, between graduates who had experience working in the law during their law degree studies and those who had no such experience. They also identified the benefits of law students meeting and conversing with lawyers prior to admission.

Whilst a law degree provides students with a broad and general knowledge of the law, and there are some practical skills which all new lawyers should master before entering the legal profession, it is clear that mastering the practice of law requires working in the profession and that the majority of real learning to be a lawyer occurs in the context of actual practice. Reducing the time spent in PLT so as to facilitate earlier entry into the legal profession will enable graduates to begin the task of learning to be a lawyer in context sooner than is currently the case.

¹⁶⁴ John Biggs and Catherine Tang, *Teaching for Quality Learning at University* (The Society for Research into Higher Education, 4th ed, 2011) Table 4,3, 63.

¹⁶⁵ Ibid 64.

¹⁶⁶ Ibid 63.

The issues with lengthy workplace experience requirements

Given the point just made, it might be thought at first blush that this review process would lead to support for requiring lengthy work experience prior to admission. Not so.

While 15 days of workplace experience is the minimum requirement, most PLT providers require a student, as part of a PLT course, to complete considerably lengthier periods. Requiring 75 days of work experience – 15 weeks full time – is common. At least in some cases this appears to be to achieve the applicable volume of learning for AQF-8 purposes. That is a substantial imposition on new law graduates. Some will have supportive legal employers who are prepared to take them on post-graduation but prior to admission, and who will pay the graduates for their work. Others will not. For those graduates in the latter group, this can present a major financial challenge. It can constitute a very significant barrier to entry, especially for those from less well-off backgrounds and/or who have a need to engage in paid employment to support themselves and their families.

Moreover, many graduates did not consider that the work experience component of PLT was intellectually challenging. Some complained of being provided with poor quality work and being given little in the way of practical training. Some complained of exploitation.

Most practitioners who participated in the consultation process were themselves not supportive of lengthy work experience requirements. Those practitioners who engaged PLT students for work experience with the intention of providing employment to good candidates reported that 15 days was more than adequate for them to assess a candidates' suitability.

In this context, there is much to be said for requiring no more than 15 days' work experience prior to admission. That is actually what is specified in the LACC PLT Competency Standards and the Competency Standards.¹⁶⁷ The practical reason up to 75 days has been required in many courses is the need to reach 900 hours of "training" for regulatory purposes, a case of the "tail wagging the dog".

The importance of supervision and the inadequate appreciation of the nature of the profession

The concerns raised by respondents to the PLT Surveys about the poor quality of supervision provided by some lawyers are troubling. Some respondents reported gaining little from the professional experience component of their PLT. Of even more concern were negative comments about PLT students being exploited, and being misled or lied to about future employment offers. This is an indictment of the profession. The teaching that practitioners engaging in such practices received on the nature of and the duties, obligations, responsibilities and traditions of the legal profession during their law degree and PLT – or their absorption of it – was clearly deficient. Clearly this is a critical area which requires attention. In itself, it militates in favour of more attention being paid to and against reducing the focus on Professional Responsibility and Ethics requirements of law degrees and PLT.

¹⁶⁷ Competency Standards, [5(a)(iii)] and [5(b)(iii)].

Level of difficulty

The critiques of the low level of difficulty of PLT assessment, the repeated use of assessments and the resubmission of assessments and other such complaints suggest that the relevant providers may not be offering learning and assessing the outcomes at the relevant postgraduate level and in a manner which is preparing students for the legal profession. This is a competitive profession with strict deadlines and in which supervising lawyers, no matter how dedicated they are, are busy and are not likely to be able to supervise graduates who require multiple opportunities to complete simple tasks.

9. Some Options for reform

The options below are not mutually exclusive and they are not set out in any order of preference. Ultimately, some aspects of each may be appropriate for adoption. Under each option, the Discussion Paper sets out the work streams necessary to commence the reform efforts. The Discussion Paper also outlines some potential benefits of the reform options as compared to the current model, as well as some anticipated challenges. The LPAB has identified its preferred model for PLT reform in the next section.

9.1 Abolish PLT altogether

One question that needs answering at the outset is whether PLT, as currently structured, remains fit for purpose and whether, given its cost and the issues which have been raised and discussed above, it would be better to abolish PLT altogether. Whilst the feedback, considered in this Discussion Paper, does identify many concerns with PLT, the feedback is not entirely negative. Some students and employers do see PLT as valuable. This would militate against discontinuing the current PLT programs taught in a graduate certificate or diploma structure.

If PLT were abolished in its entirety it would be necessary to consider whether or not to eliminate all of the requirements or to seek to mandate some or all of its requirements elsewhere before or after admission. For example, should the development of generic skills which are currently required competencies in the PLT (Lawyer's Skills, Problem Solving, Work Management and Business Skills and Trust and Office Accounting) and the requirement of work experience be retained – particularly given the criticisms of work experience by some survey respondents? If PLT were to be abolished altogether it would be necessary to consider whether other reforms were required to ensure the competency of law graduates prior to admission such as:

- (1) Whether law degrees might incorporate any components, currently forming part of PLT, which were considered necessary to develop prior to admission to the legal profession. This may, for example, include the Required Competency in Skills and Values and the work experience requirement of a specified number of days. In this regard it is worth noting that many law schools already include work placements as an optional elective offering rather than as a compulsory course. One reason that such courses are not mandated in law degrees is the fact that the PLT mandates a work experience requirement for which advanced standing is not granted.
- (2) If work experience or any other component of PLT was to become a compulsory course or component in law degrees it would then be necessary to consider whether or not the requirement for law degrees to be undertaken over a minimum of 3 years might require amendment to avoid the loss of any or too many law electives in any particular law degree.
- (3) If the required Skill competency in Trust and Office Accounting were considered to be required of graduates, prior to admission, if their studies occurred only within their law degree, there might be a need for the inclusion of more than the "basic knowledge of the

principles relating to the holding of money on trust”,¹⁶⁸ currently mandated as one part of a law degree in the Priestley 11.

- (4) Other reforms which might be taken if PLT were abolished are considered in the other options discussed below.

Benefits

If it is not replaced with other requirements which are equally costly, abolishing PLT altogether would result in fee savings for law graduates which is the main complaint made about PLT. This may remove one economic impediment to admission to the profession, particularly for graduates of law degrees who have exhausted their FEE-HELP entitlement and for those studying PLT where it does not attract a CSP, who do not have an employer willing to meet their PLT fees. If it is not replaced with other requirements, which involve an equivalent time commitment, removing the PLT requirement would remove a delay to admission to the profession which may operate as a delay to graduates commencing employment in the legal profession and gaining the benefits of learning from more experienced lawyers in real work.

Challenges

The abolition of PLT entirely would be a major step whether or not it is replaced with one or other of the options considered below or otherwise. As any decision to abolish PLT altogether would, of necessity, involve considerable consultation it would not be immediately achievable. If that decision were made on the basis of the introduction of any of the options considered below, each would itself involve considerable consultation and development.

9.2 Maintain current PLT with amendments

Maintain the current PLT in the short, medium to long-term with amendments as necessary

Recognising the need for immediate improvements to the current PLT framework, this option proposes targeted reforms to enhance the quality, consistency and effectiveness of existing PLT programs. The objective is to ensure that all graduates are adequately prepared to enter legal practice (subject to the statutory condition of supervision for the first two years of practice) by strengthening the teaching methods, content and curriculum structure, content delivery and assessment of PLT. As noted above, at least in the short term, this may be a necessity but this raises for consideration the suitability of PLT reformed in these ways as a medium to longer term solution.

Whilst a number of concerns with the current state of PLT have been identified above, in the PLT Surveys – and the additional written submissions – there was widespread support for some PLT teaching, in particular in person provision of key lawyers’ skills as part of the PLT curriculum. As a practical matter, given the time which it might take to implement any of the other options considered below, one option, and an option which of necessity must be followed in the short

¹⁶⁸ See Attachment B within “Ethics and Professional Responsibility”.

term at least, is to maintain the current PLT with reforms as may be appropriate to seek to address some, at least, of the concerns which have been raised.

The LPAB has taken the first step in this process by writing to each of the currently accredited PLT providers providing them with access to the PLT Surveys and the Urbis report, alerting them to the concerns which have been raised, raising some specific questions and requests for information and providing them with an opportunity to respond to them. As an initial step the LPAB has discussed with all PLT providers an amendment to their current mode of delivery to incorporate 15 days of in person and face to face teaching focused on the Competency Standards requirements for coverage of Lawyer's Skills, Work Management and Business Skills, Trust and Office Accounting, Ethics and Professional Responsibility and the skill development aspects of the Civil Litigation Practice. The LPAB has also informed PLT Providers that they will no longer be required to mandate any more than 15 days of work experience in their PLT programs.

Key areas for reform

(i) Immediate/short-term

Responding to specific concerns raised by the PLT Surveys, submissions and consultations as below:

Fees

Respondents to the PLT Surveys, individual submissions and the Working Groups, all expressed concerns about the fees charged for PLT. In the short term, providers have been encouraged to review their fees and some have responded favourably to this request. In the longer term a shorter, more intensive curriculum should lead to an overall reduction in fees. The potential for PLT to be provided without the need for the completion of a GDLP should also be explored as a means to potentially reduce cost. The regulatory requirements leading to the award of a graduate diploma prolong the program significantly and inevitably add to the cost of its provision – the “tail wagging the dog”.

Quality of practical teaching/assessment

PLT Survey respondents' descriptions of their PLT experience as a “rubber-stamping exercise” or “a box ticking exercise that gave very limited real world experience”, and being more like an extension of university [than] “teaching ... the ins and outs of being lawyers and advocacy in the court room”, should be a matter of serious concern for PLT providers. So, too, should the PLT Survey respondents' comments on the lack of rigour of teaching and assessment. These included claims that some lawyers teaching in the PLT were “too relaxed which does not equate to real life scenarios”, and that assessments were of a “poor standard” such that students could not fail”, with “students ... pretty much guaranteed a pass with examiners assisting students during their exams”. Respondents to both sub-surveys – and individual submissions – expressed concerns about the practicality of the teaching and the rigour of the assessment processes.

In the short term, PLT providers were invited to respond to the concerns raised by the PLT Surveys and the Urbis report. PLT providers were asked to answer a number of specific questions and they have provided evidence to enable some preliminary assessment to be made of their practices. These include statistics on grades for assessments across their programs. The responses to these inquiries have mitigated the need for urgent remedial action.

Academic misconduct

Some respondents took the open-ended questions as an opportunity to refer to a lack of punishment for academic misconduct, with an example provided of a student submitting work with another student's name on it but simply being asked to resubmit. PLT providers have been asked for – and they have provided – details of their policies, procedures and approach to academic misconduct, and statistics on academic misconduct in both quantity and punishments. The responses to these inquiries have mitigated the need for urgent remedial action.

Access to face to face teaching

PLT Survey respondents and other feedback indicated that the face to face component of PLT was considered to be an important part of the experience. As noted, as an initial step, the LPAB has discussed with all PLT providers an amendment to their current mode of delivery to incorporate 15 days of in person and face to face teaching focused on the Competency Standards requirements for coverage of Lawyer's Skills, Work Management and Business Skills, Trust and Office Accounting, Ethics and Professional Responsibility and the skill development aspects, of the Civil Litigation Practice.

Professional ethics and responsibility, supervision and the Work experience

Given that many of the complaints related to the work experience component, the introduction of uniform criteria for assessing this component of the course may be appropriate. Given that many of the complaints, on this component, related to the behaviours of the supervisors/ law firms, as well as reviewing the coverage of the professional responsibility of lawyers in law degrees and the PLT, there may be a role for the Law Society to remind solicitors of the importance of supervising to the legal profession and of its place within the profession. The Law Society may consider it appropriate to review and amend its Fact Sheet on legal internships in NSW¹⁶⁹ issued by the Society in 2021 and to refer its members to professional conduct rules and expectations. Such a revision might usefully highlight the inappropriateness of exploiting students by “promising potential future paid employment” which they “do not intend to offer.”

Given concerns raised by sole practitioners of the costs and time involved in the supervision of entry-level lawyers, there may be a place in Ethics and Professional Responsibility learning and in the Law Society's communications with practitioners, to emphasise that training and developing new graduates is an important contribution to the legal profession and indeed a

¹⁶⁹ Law Society of NSW, *Fact Sheet: Legal Internships in NSW* (Website), available at <https://www.lawsociety.com.au/sites/default/files/2021-09/LS3032_PAP_LegalInternshipFactsheet_2021-09-27.pdf>.

professional obligation. A set of standards perhaps embodied in a Code of Conduct might usefully be developed to set out the ethical standards and expectations of supervisors and the types of tasks and hours allocated to the development of specific skills or students completing a placement. The ethics of practitioners and employers (whether private or public) who eschew the professional expectation – if not duty or obligation – to supervise students and graduates in favour of hiring only staff with several years’ experience who have been trained by other firms or employers might be considered as a case study in such courses. The LPAB and Law Society (and its members) might also encourage the Commonwealth government to expand the Commonwealth Prac Payment scheme¹⁷⁰ to include law students.

In relation to the mandatory PLT work experience component, as an initial step, the LPAB has written and met with current PLT providers to:

- (1) remind them of the provisions of the Competency Standards do not require more than 15 days’ workplace experience;¹⁷¹
- (2) inform them that the LPAB does not require or expect PLT students to complete more than 15 days’ work experience; and
- (3) clarify for PLT providers that the accreditation of their programs does not require PLT students to complete more than 15 days’ work experience and that if their accreditation as a PLT provider is amended in the case of any doubt so as to require PLT students to complete no more than 15 days’ work.

Potential benefits and challenges

Benefits

This option has the benefit of maintaining existing programs whilst they are incrementally improved as needed. As a practical matter it is a necessary (first) step, whether or not more substantive reform is considered necessary and appropriate. If it were possible to remedy some or all of the issues with the PLT by following this option it would be the least disruptive approach but would be unlikely to reduce overall costs.

Challenges

The PLT Surveys and other feedback obtained on the existing approach to PLT suggest that there may be at least some problems of such a magnitude that making amendments to the current PLT programs would not result in a suitable outcome for more than the short term, necessitating further and continuing reform.

(ii) Medium/longer term

¹⁷⁰ Australian Government Department of Education “Com Prac Payments”, available at <<https://www.education.gov.au/commonwealth-prac-payment-cpp>>

¹⁷¹ Competency Standards, [5].

Reviewing teaching methods: face to face, synchronous on-line and asynchronous online.

There has been a significant increase in the volume of synchronous and asynchronous on-line teaching across the higher education sector in the last 10 years and most particularly as a consequence of the COVID-19 pandemic and the prohibition of face to face and in person teaching during some of that period. As a result, there has been an increase in analysis of the pedagogical value of differing forms of teaching. This is a developing and emerging area of research. In relation to teaching the law, there is no consensus view as yet. Modes of delivery can also have significant impacts on access to learning, as face to face and in person teaching of necessity involves travel to and from a particular place and the availability of both teaching staff and students at the same place and time. Depending on where the teaching occurs some students may have long distances to travel.

For so long as PLT remains mandated for all applicants for admission to the legal profession, at least, those required to complete PLT will include students already working full-time in law firms or in other roles and doing so in a range of places across the State. If PLT is to achieve its aims, it must seek to provide students with learning in a real-world setting to ensure that students develop essential legal skills and continue their enculturation in the legal profession (which should have begun during the study of their law degree) and this necessitates that some or all of the PLT take place in person.

Mandating face to face teaching/assessment hours

The LPAB sees clear benefits in mandating face-to-face (not synchronous AVL) teaching and assessments so that more in-person, face-to-face teaching and assessment are required as a compulsory component of PLT. To the extent to which advocacy, negotiation, and client interaction continue to occur in person, commonly in contemporary legal practice, to simulate that real-world setting face to face exercises, if not teaching, may be needed to ensure that students develop essential legal skills. This may require establishing a minimum number of required face-to-face/in person teaching hours and/or mandating certain assessments occur face to face/in person to ensure all PLT students receive hands-on training and assessment in relevant areas. This would likely apply to critical subjects such as courtroom advocacy, client interviewing, and negotiation. This could address concerns that fully (or substantially) online PLT models lack sufficient practical engagement and fail to simulate the realities of legal practice. TEQSA has also written about the contemporary benefits of academic staff getting to know their students particularly as a means to assist in combatting against the unauthorised use of AI as follows:

Know your students

Getting to know students as individual learners on their own developmental trajectories is now critically important. This may be difficult, particularly in large classes and in situations where teaching is mostly carried out by colleagues on casual or sessional contracts, but necessary, nonetheless. Knowing students allows educators to see inconsistencies between the interactions

they have with students during classes and what is submitted for assessment tasks. Furthermore, while higher education looks increasingly transactional, high-quality learning is relational. Humans learn best with and from other humans. Finding ways to foster connection between students and between students and teaching staff is now more important than ever and will help to promote academic integrity.¹⁷²

As an initial step the LPAB has discussed with all PLT providers an amendment to their current mode of delivery to incorporate 15 days of in person and face to face teaching, as outlined above. It currently is expected that this requirement will be in place and included in PLT Provider approval terms during 2026.

Mandating synchronous audio-visual learning (AVL) hours

Similarly, as most lawyers now undertake at least some of their work using on-line technologies, in order to simulate the real world experience of lawyers, it is not inappropriate for PLT programs to provide some live, interactive (synchronous) online teaching and assessment via AVL (e.g., Zoom or other platforms). To the extent to which on-line teaching and assessment can be provided without sacrificing pedagogy and learning, this would assist in providing flexibility for students in remote areas while maintaining direct engagement with instructors.

Mandating policies governing matters such as the level of difficulty of PLT assessment, the repeat use of assessments and the resubmission of assessments

PLT providers have policies governing matters such as the level of difficulty of PLT assessment, the repeat use of assessments and the resubmission of assessments. Information about these have now been provided to the LPAB and will be the subject of further consideration. One approach would be to follow the quite prescriptive approach of the Professional Legal Studies Course Regulations 2004 (consolidated 1 November 2006) of the New Zealand Council of Legal Education.¹⁷³ Those provisions, for example, include participation requirements, prohibit the use of copied work, require assessments to be kept confidential and include a grading system. Some of the key provisions are extracted below:

5 Copied work

- (1) Work submitted by a trainee for an assessment or for feedback must not be copied work.
- (2) Copied work includes –
 - (a) work taken from any law firm’s precedents, and
 - (b) work taken from, or the substance of which is in whole or part identical to work of, any other trainee, former trainee, or other person – but does not include work

¹⁷² Associate Professor Jason M Lodge, “The evolving risk to academic integrity posed by generative artificial intelligence: Options for immediate action,” August 2024, TEQSA at 5 [2], available at <<https://www.teqsa.gov.au/sites/default/files/2024-08/evolving-risk-to-academic-integrity-posed-by-generative-artificial-intelligence.pdf>>.

¹⁷³ New Zealand Council of Legal Education, *Professional Legal Studies Course Regulations 2004* (Website), available at <https://nzcle.org.nz/Docs/PLSC_Regulations_consolidated.pdf>.

taken from a published precedent which is available in hard copy or electronic form.

(3) If a trainee copies work in any assessment –

- (a) the assessment will be graded Not Yet Competent, and
- (b) the trainee will not be allowed to complete a supplementary assessment or a further skills assessment - but the trainee may, at the discretion of the Director, repeat one or more seminars or the intake under regulation 15.

6 Confidentiality of assessment information

(1) A trainee must not –

- (a) disclose to any other trainee or intending trainee any information about an assessment which that first-mentioned trainee has received on a confidential basis from an Instructor; or
- (b) receive from any other trainee or former trainee any information about an assessment which was supplied to that other or former trainee by an Instructor on a confidential basis; or
- (c) discuss an assessment while it is in progress.

(2) If a trainee has either disclosed or received or discussed information about an assessment under regulation 6(1) –

- (a) the assessment will be graded Not Yet Competent, and
- (b) the trainee will not be allowed to complete a supplementary assessment or a further skills assessment - but the trainee may, at the discretion of the Director, repeat one or more seminars or the intake under regulation 15.

15 Copied or disclosed work in a skills assessment

A trainee who receives a Not Yet Competent grade for one or more skills assessments under regulation 5(3) or regulation 6(2) may, at the discretion of the Director –

- (a) repeat one or more seminars, including the skills assessment for each seminar, chosen by the Director; or
- (b) repeat the course in full once, unless permitted under regulation 19 to do so more than once.¹⁷⁴

Mandating a requirement for lawyers currently in practice to teach PLT skills

As a bridge between completion of a law degree and practice, PLT should serve to enculturate new entrants to the profession into the profession and provide them with the most contemporary

¹⁷⁴ Ibid.

insights into legal practice. To achieve this it may be appropriate to require all teaching staff in a PLT program to be currently practising experienced lawyers within the relevant discipline/area of practice.

Mandating maximum resubmission of assessments

The legal profession is a demanding profession with client, Court and Tribunal imposed deadlines. Whilst new entrants to the legal profession are initially granted a practising certificate which has restrictions and requires them to be supervised, supervisors are unlikely to be able to review multiple attempts at tasks by even new lawyers. As PLT is training new entrants to the profession there is a place for resubmission of assessment tasks to facilitate learning but unlimited resubmission until successful completion of every task is not an appropriate introduction to the rigour and expectations of the legal profession and provides little incentive for students to endeavour to perform at their best on their first attempt at every assessment.

Refreshing the PLT Curriculum

A comprehensive review and update of the PLT curriculum should be undertaken to ensure that all of the training is:

- (1) Necessary to prepare graduates to enter the legal profession subject to the current conditions for supervision of new graduates
- (2) Aligned with contemporary legal practice and evolving areas of law.
- (3) Responsive to the profession's needs, incorporating new developments such as legal technology, alternative dispute resolution, and emerging fields of practice.
- (4) Focused on practical and skills reducing unnecessary theoretical content that does not directly contribute to legal practice readiness
- (5) Not seeking to develop skills which are more appropriately developed after admission and with the benefit of employment in a particular sector and in particular discipline areas.
- (6) Developing skills suitable for lawyers entering private practice, government and corporate practice and the not-for-profit/charitable sector.

The LPAB's current views in this regard are set out above, in addressing the "competencies".

Revising compulsory vs optional subjects and when they are best completed

Tied to the issue just addressed, the review should consider which subjects should be compulsory to ensure that all graduates receive core and adequate practical training in key areas such as drafting, legal writing, client communication, and professional ethics and professional responsibility and which competencies are best developed post-admission. It may be considered that only the Required Competencies in Skill and Values (and potentially some or all

of the Compulsory Practice Areas) are really necessary and appropriate to develop for every student prior to admission to the profession.

Given the varied nature of the opportunities for legal work today there will be quite different needs for new lawyers working in a large corporate firm, the government sector, the corporate or not for profit sector or in rural or suburban practice. Whilst some students may be employed prior to admission and some of those may be certain of the sector and discipline areas in which they will work, as they enter the profession, others will not be in that position.

Whilst there are a number of currently permitted PLT Optional Practice Areas permitted, including Family Law Practice, Planning and Environmental Law Practice and Wills and Estate Practice, expanding elective offerings may provide a means to allow students to better tailor their PLT experience to their actual areas of practice. One option would be to remove the current prescription of certain “Optional Practice Areas” so as to permit providers to offer additional electives or to expand the areas which may be studied. It is an unusual feature of PLT – unlike law degrees – that it permits only named Optional Practice to be studied even though PLT is taught by a self-accrediting University or by PLT providers which are self-accredited such as the College.¹⁷⁵

An option would be to move this type of specialist and applied learning out of the pre-admission requirements and to instead require the completion of training in specialist practice areas as a post-admission requirement which might, for example, form part of the current CPD requirements or form part of more prescriptive CPD requirements for new graduates.

Work stream

Legislative and regulatory changes

- (1) Identify necessary legislative amendments required to implement these changes, including updates to legal admission rules and PLT accreditation requirements.
- (2) Determine whether this reform can be implemented in collaboration with *Uniform Law States* (or all Australian states as part of LACC) for a nationally consistent approach or implemented as a NSW-only initiative.

Curriculum development and oversight

- (1) Identify who will be responsible for drafting the revised PLT curriculum.
- (2) Secure funding for the LPAB to engage legal education experts, practitioners, and academics to develop a modernised curriculum.

¹⁷⁵ College of Law, *At the forefront of practical legal education* (Website), available at <[https://www.collaw.edu.au/about/#:~:text=ACADEMIC%20GOVERNANCE,-Structures%2C%20policies%20and&text=The%20College%20of%20Law%20is%20authorised%20to%20self%20accredit%20its,%26%20Standards%20Agency%20\(TEQSA\)>](https://www.collaw.edu.au/about/#:~:text=ACADEMIC%20GOVERNANCE,-Structures%2C%20policies%20and&text=The%20College%20of%20Law%20is%20authorised%20to%20self%20accredit%20its,%26%20Standards%20Agency%20(TEQSA)>)>.

- (3) Ensure the new curriculum aligns with competency standards and the needs of employers in both private practice and government sectors.

Collaboration with PLT providers

- (1) Work with existing PLT providers to implement these changes, ensuring that they:
 - (a) Adapt their teaching models to meet new face-to-face and AVL requirements.
 - (b) Update course materials to reflect curriculum changes.
- (2) Review existing and if necessary establish mechanisms for student feedback to ensure continuous improvement.

Cost and implementation feasibility

- (1) Conduct an impact analysis to determine the cost of implementing mandatory face-to-face teaching and synchronous AVL learning, including infrastructure requirements.
- (2) Consider options for financial support for students who may face additional travel or accommodation costs due to increased in-person requirements.

Stakeholder consultation, pilot testing

- (1) Engage with universities, PLT providers, legal employers, and recent graduates to gather insights on how best to implement these changes.
- (2) Consider running a pilot program to test new teaching models before full implementation.

Potential benefits and challenges

Benefits

This option has the benefit of securing a long term solution to the challenges identified in the surveys and other consultations which have informed the Discussion Paper.

Challenges

As is evident from the Work Stream identified above this reform would involve many aspects many of which will require resourcing and take time such that the completion of this approach will be likely to take years rather than months.

9.3 Develop PLT for specific discipline areas

This option considers developing PLT for specific discipline areas/ types of practice, and considers appointing law firms/ government, corporate, not-for-profit legal teams as providers of PLT.

Whatever the quality of PLT currently being provided, given the range of law firms, practice areas and sectors in which lawyers work today, it is inevitable that new graduates will learn much of what is actually required of them in their specific employment. Whilst it may be appropriate for law degrees to be fairly broad and generic – particularly given that not all students who study a law degree do so with the intention of later seeking admission to the legal profession – it is much less likely than any (or many) students would complete the PLT, absent an aim to seek admission and to gain employment in the legal profession. This suggests that, at least for students who have already obtained graduate employment or who have a very clear idea of the area of the legal profession within which they work, a generic PLT may not be suitable. Whilst this might be addressed in part by expanding the Optional Practice areas feature of PLT, it may be more appropriate for specific PLT programs to be developed suitable for particular sectors. This might include, for example, a PLT program for government legal practice, a PLT program (or programs) for large commercial practice, a PLT for regional practice and a PLT for suburban practice.

As PLT need not be provided in the form of a postgraduate qualification¹⁷⁶ and the LPAB accredits providers of PLT, rather than PLT qualifications, the LPAB could potentially accredit, for example, specific law firms, the Law Society, the Crown Solicitors Office, corporate legal teams or other employers of lawyers to deliver bespoke PLT programs for their staff. One potential advantage of this approach would be that if the firms (and large firms, for example, provide much bespoke training already), government departments or corporate legal teams provided the requisite training and the work experience, the training and the application of that training in more or less real time could occur and both could directly relate to each other. For employers already paying for their employees to complete the PLT and providing bespoke training to graduate lawyers in addition to this, this may be an option they may be willing to explore. The PLT Surveys, in relation to workplace experience, indicate that if practitioners were to do more training for this purpose they would need to be accountable.

Benefits

This option has the benefit of enabling employees of participating law firms or other employers, to learn skills necessary for their particular employment and to do so in a real world context, rather than a simulated and academic one. If an employer provided this training, as part of their employment, there would not be a cost concern for the graduates as to their fees as the employer would cover the costs of this training. For graduates who are clear on their future employer and area of practice, a specific PLT of this kind would avoid the unnecessary learning of skills which they will never need to apply in practice. For example, lawyers working in a large commercial firm are not likely to ever be involved in a residential conveyance, in drafting wills, dealing with family law matters, or in appearing in the Local or District Court whereas suburban and regional lawyers may be regularly working in such areas. By concentrating the learning on skills relevant to actual areas of practice, the learning could be more meaningful and engaging, deeper and tailored to be specifically focused on what is relevant than the necessarily superficial learning involved where a multiplicity of tasks and areas are sought to be covered in limited time. Feedback from

¹⁷⁶ Competency Standards, [5(b)(ii)].

employers of staff taking the PLT has indicated that those staff are indistinguishable in skills learned before and after the PLT course.

This option would enable firms to work with their staff during time which would otherwise be devoted to completion of PLT and to develop focused and necessary rather than generic skills.

Challenges

There may be a limited number of employers willing to take on the responsibility of providing PLT and seeking accreditation from the LPAB to provide it. Whatever the number of employers that might be interested in providing PLT to their staff themselves, each would require formal accreditation as a provider. Each new such potential provider would have resource implications for the LPAB, not only in an initial approval process, but also in monitoring of performance. As such providers would not be offering TEQSA accredited qualifications, TEQSA would not be engaged in their conduct or activities and they would not be required to comply with TEQSA standards and requirements. Participating employers would have considerable cost in providing PLT and reform would likely be required to tailor PLT to be suitable to particular employers.

Whichever providers wish to offer the PLT program as a bespoke offering for differing practice/discipline areas there will be development costs and supervisory/regulatory approval costs. An alternative to this approach would be for existing accredited PLT providers to offer more bespoke streams of PLT, rather than employers doing so. Whilst this approach might have benefits it would not provide some of the potential benefits of employers doing so, namely the benefit of learning skills whilst employing them in real – or close to real – time may be lost.

As not all law degree graduates will be employed or employed in the area of practice which they see as their future career, and some may not know in which sector or discipline they might wish to practice in the future, if this proposal were adopted a more general PLT would need to continue to be offered for such graduates. Consideration would also need to be given to the need for additional training requirements for lawyers who commence in one discipline/sector area but then seek to move into a different sector/discipline.

9.4 PLT as elective subject(s) or otherwise as part of law degrees

PLT to become an elective subject or otherwise form part of accredited law degrees

One potential reform to PLT would involve including responsibility for teaching some or all of the content to universities and/or other accredited providers of law degrees. This could be done in a number of ways in order to achieve a number of objectives.

Requiring skills in law degrees and maintaining PLT as a skills capstone

One of the deficiencies which has been identified with PLT, is that the Accreditation Standards set an impossible bar meaningfully to be met within such a short program. Many law degrees already incorporate skills and practical assessments into their programs. One option would be to mandate this either in all law degrees or in law degrees which attract a concession from requirements of certain additional mandated practical study after completion of a law degree. If

specified skills were incorporated into law degrees systematically and intentionally, a short PLT program (perhaps modelled on the 3 week in person program which it is anticipated that current PLT providers will incorporate into their programs) might be all that is required prior to admission for students who have completed a law degree with that feature.

Encouraging more law schools to integrate PLT with their law degree

Accredited providers of law degrees might be encouraged, like the University of Newcastle, to provide PLT not as a separate program but as an integrated part of a law degree. The Competency Standards already permit PLT to be integrated with the academic study of law so long as the law degree requires the equivalent of 3 years' full-time academic study of law, apart from the time required to undertake the PLT components of the program.¹⁷⁷ However, as noted above, this opportunity has not been popular with universities or other accredited providers of law degrees. Where universities do offer PLT, the PLT component results in the grant of an additional qualification (for which students must pay fees) and, with the exception of the University of Newcastle's double degree program, the program of PLT is not integrated to be studied alongside the law degree. The contemporary reality suggests that universities and/or other providers of law degrees would require encouragement, if not compulsion, to adopt this option, at least, if the PLT remains in its current format. If the content of PLT were reduced to focus on key generic essentials, such as those currently identified as Skills and Values (and potentially also the Skills component of the present Compulsory Practice Area in Civil Litigations) universities may find it more attractive to adjust their law degrees to incorporate mandated skills based content and assessments. If amending the requirements of all law degrees to include mandated PLT content were to be considered, the potential impact that may have on the ability of law schools delivering accredited law degrees to maintain their individual missions and focuses of attention – and the likely fees that universities would charge (particularly if the PLT were structured as it currently is by those universities offering it as involving the awarding of an additional degree to a law degree) – would require careful consideration.

As the Australian Law School Standards (Standards) note:

Today, both the law environment and the higher education sector are undergoing profound changes. In this context, the Standards not only support excellence across a variety of domains, but also support change in Law Schools. In addition, difference is a key characteristic of the pluralist, multicultural, and multi-faith society that is contemporary Australia. It follows that the many Law Schools operating across the country reflect these differences, which may arise as variations in size, location, objectives, mission, ownership structure, or age. Further, students come to study law from a variety of backgrounds and with diverse motivations. In recognition of this diversity, the Standards seek to acknowledge the unique identity of each Law School and are designed to be broad enough to accommodate differences between them. It is a guiding principle that the Standards should be interpreted sufficiently flexibly so as not to inhibit innovation or local application.¹⁷⁸

¹⁷⁷ Competency Standards, [4(2)].

¹⁷⁸ Standards "Introduction" at 1, available at <<https://cald.asn.au/wp-content/uploads/2024/04/Australian-Law-School-Standards-v1.3-30-Jul-2020.pdf>>.

Given the number of law schools, the Standards have a valid point to make here as variety is valuable to enable students to make real choices. In *The Australian Idea of a University*, Glyn Davis also recognises the benefits of diversity in Australian universities.¹⁷⁹ As he notes:

Diversity is easy to praise, difficult to achieve. As historian of universities Robert Anderson argues, a pluralist higher education system requires “more open acceptance that universities have different missions, interpreting the idea of a university in different ways.” We must recognise that “embracing differentiation is healthier than denying it.”¹⁸⁰

Some law schools may not wish to include PLT content in their law degrees or to offer PLT as a standalone degree and instead wish to focus their attention on the academic areas. Reasons for this may include their academic staff backgrounds, their University or School mission or their cohort recognising that many graduates of law degrees in contemporary Australia do not do so with the intention of seeking admission to the legal profession. One option may be for law degrees to be accredited with and without PLT certification or for law schools to offer degrees with legal content to cater for non-lawyers which are not accredited. Some law schools may be resistant to offering two streams of law degrees particularly if the LPAB were to mandate the inclusion of practical content and assessments to be taught alongside or within the coverage of mandated Priestley 11 content.

The potential for law schools to offer or incorporate PLT into their law degrees would be enhanced if the requirement that PLT – if not offered as a Graduate Diploma at AQF Level 8 – must be of at least 900 hours’ duration comprising at least 450 hours of programmed training and at least 15 days’ workplace experience¹⁸¹ were relaxed, removed or replaced. This might be achieved by focusing PLT on the minimum perceived essential skills for all new lawyers prior to admission subject to supervision requirements on admission. This would enable law degrees to be offered without adding that amount of additional time which would otherwise be required for the completion of law degrees which also met the PLT requirements. This might involve embedding PLT and workplace experience within law degree programs. This would create a more streamlined and integrated pathway to admission in which the academic and the practical are better and more clearly integrated and comprehensively aligned. This potentially may reduce costs and time for law graduates entering the profession. The present flexibility in connection with the placement of Priestley 11 content might similarly apply to PLT content so that PLT content might be provided in one or more specific standalone subjects or by integration into existing subjects.

Mandating a requirement for lawyers currently in practice to teach PLT skills

If law degrees were to incorporate more skill development it may be appropriate to require teaching staff teaching those components of the degree to be currently practising experienced lawyers within the relevant discipline/area of practice.

¹⁷⁹ Glyn Davis, *The Australian Idea of a University* (Melbourne University Press, 2017).

¹⁸⁰ Ibid 124.

¹⁸¹ Competency Standards, [5(a) and (b)].

Placement of courses incorporating PLT content

If law degrees were to incorporate more skill development it may be appropriate to mandate the placement of that content within the law degree. One approach would be to require those skills to be taught at or towards the end of the degree so that students develop the general skills needed for entrants to the profession proximate to joining the profession. Another option –which may be complementary to the first – would be to require skills relevant to particular Priestley 11 mandated academic areas to be taught alongside or at least proximate to that course content. Another option would be to mandate the placement of Priestley 11 courses incorporating skills across the law degree so that skills are learned in context and, where relevant to more than our subject area, repeated over the law degree. McMillan and Lilley suggest the scaffolding of practical aspects onto the theoretical content covered in a law degree.¹⁸² In their view:

This allows students to put the theory into practice, further reinforcing their knowledge, before their memory of the subject fades with time.¹⁸³

Suggested frameworks

Here are three potential frameworks:

(1) PLT as an elective or electives within accredited law degrees

Law schools seeking accreditation for their law degree(s) could be required – or encouraged – to offer a PLT course for students who wish to complete their practical training as part of their law degree or to do so in addition to their law degree, for example, as a Graduate Certificate or Graduate Diploma as some already do.

(2) Recognition of existing practical legal training components and work placements as meeting some or all PLT requirements

Certain practical legal skills (e.g. affidavit or originating process drafting exercises, client interviewing sessions, advocacy) which are already embedded in compulsory law subjects, such as civil procedure, criminal procedure, and professional responsibility and ethics, at some law schools, or form part of elective courses in law degrees (such as Legal Placements or Internships) or which might be added to them, could be formally recognised as contributing towards PLT requirements. This would reduce the burden of additional coursework.

The consultations with law schools indicated that most include practical skills and assessments in their law degrees and most offer work placement electives. The extent to which currently accredited law degrees incorporate practical content depends upon the focus of that law school. Notre Dame, for example, has as one of its Objects, “the provision of an excellent standard of “training for the professions.”¹⁸⁴ The mission of Notre Dame’s School of Law and Business (School) includes being “[a] School which provides an excellent standard of training for the legal

¹⁸² James McMillan and Rob Lilley, “Why Isn’t All Legal Education Practical?” (2025) 3 *Western Australian Law Teachers’ Review* 49, 55-56

¹⁸³ *Ibid.*

¹⁸⁴ *University of Notre Dame Australia Act 1989 (WA)*, s 5.

profession.”¹⁸⁵ As a result, all legal academics on Notre Dame’s Sydney Campus have first gained significant experience in the legal profession (although for some academic staff that experience may now have been some years ago). The mission also means that “real world” assessments are incorporated into courses.

The School’s law degree includes compulsory full semester courses in *Legal Research & Writing*, *Advocacy*, *Alternative Dispute Resolution*, *Remedies* and *Commercial Practice and Ethics* and approved electives include *Trial Advocacy*, *International Commercial Dispute Resolution*, *Construction and Building Contract Law*, *Law in Context (Externships)*, *Commercial Law* and *Law Moot*.¹⁸⁶ The emphasis on “training of the professions” at that School is also demonstrated by the mentoring program which it offers to all students from towards the end of first semester and in each subsequent semester. Students who opt to participate in any semester select an area of law or practice of interest and the School pairs them with a legal practitioner in that discipline or practice area to be mentored until the next program commences.

The aim is to expose students to real practice early in their studies so that they are better equipped to make sound decisions about their future, grow in confidence in interacting with lawyers and gain experience in one or more areas of legal practice. This is a program which does not attract credit. Students may also opt to enrol in *Law in Context (Externships)* which is a for-credit internship course with a legal clinic, law firm, barristers’ chambers or with the legal team of a not for profit, charity or corporate. Other law schools provide students with bespoke career advice and support to seek to achieve similar objectives. UNSW, for example, has established a UNSW Law & Justice careers service “to assist students to make informed decisions about career pathways and employment opportunities in line with their strengths, interests and current market trends.”¹⁸⁷ Whilst it is currently possible for PLT providers to provide advanced standing in their qualifications for components of PLT – including work experience – which occur within a law degree, the practice of doing so appears to be quite varied and is complicated by the LACC PLT Competency Standards¹⁸⁸, the LACC Standards for PLT Workplace Experience¹⁸⁹ and the Competency Standards.¹⁹⁰

(3) *Embedding practical legal training components into compulsory law courses within some or all law degrees to meet some or all PLT requirements.*

No current law degree is likely to meet the current PLT requirements, absent amendments, additional courses or adjustments to existing courses. This means that change would be required

¹⁸⁵University of Notre Dame Australia, *Our mission and objectives* (Website), available at <<https://www.notredame.edu.au/about-us/faculties-and-schools/school-of-law-and-business/mission-and-objectives>>.

¹⁸⁶University of Notre Dame Australia, *Course Description* (Website), available at <<https://www.notredame.edu.au/about-us/faculties-and-schools/school-of-law-and-business/law-sydney/course-descriptions>>.

¹⁸⁷ UNSW, *UNSW Law & Justice Careers service* (Website), available at <<https://www.unsw.edu.au/law-justice/student-life/unsw-law-and-justice-careers-service>>.

¹⁸⁸ LACC PLT Competency Standards, [3.2] and [4.2].

¹⁸⁹ LACC Standards for PLT Workplace Experience [7], available at <<https://legalservicescouncil.org.au/documents/standards-for-PLT-workplace-experience.pdf>>.

¹⁹⁰ Competency Standards, [4].

at any law school wishing to provide a law degree meeting PLT requirements. Practical content and/or assessments could be mandated, or universities could be given the option of including them if they wished to offer a law degree with PLT certification, in such existing Priestley 11 areas such as:

- a basic knowledge of the principles relating to the holding of money on trust, such as some basic trust accounting;
- Civil Litigation, such as a simulation of appearing on a return of subpoena;
- Property, such as a personal conveyance
- Contract such as drafting a simple contract
- Criminal Law and Procedure such as a simulation of a bail application

Given the external and internal accreditation and degree and subject approvals that apply to law schools, even should the law school wish to embark on reforms of such a kind, any such change process would be likely to take some considerable time.

Continuation of standalone PLT for those who need or prefer it

The existing PLT system – amended as necessary – could still operate as an alternative for those who, for various reasons, do not or cannot complete PLT through a university law degree. If PLT were to be embedded in law degrees and it were optional to do so, some universities may not fully integrate PLT into their law degrees and some may choose to offer or to continue to offer PLT as a postgraduate or standalone degree or microcredential. If it is an option some may also choose to offer integrated PLT in speciality areas – such as specifically for large firms or government or corporate practice. Some law schools may take time to decide on their approach and take time to change to a new model if they wish to do so and change is not mandated. For these reasons, the continued availability of standalone PLT, by at least some providers, would enable more flexibility for those who may pursue law as a second career or return to complete their PLT at a later stage.

Some challenges with more (or all) universities offering PLT may be the suitability of their current personnel. As noted above, TEQSA requires academics to hold an academic qualification above that which they teach or “equivalent professional experience” but mandate no practical experience. Given the Priestley 11 mandatory requirements, a significant component of every law degree now is covering that compulsory content. This limits the number of compulsory and elective courses covering other subjects which any law school can include in their law degree. Finding space for more practical content in a law degree – without causing a loss of students’ ability to choose to study legal areas of interest as electives and law schools’ ability to mandate areas of study which they consider critical to their mission or identity – is also a great challenge if the aim is not to add significant time to current law degree offers (which would inevitably add to fees) whilst maintaining some variety in law degrees and law schools.

Presumably, each of the currently accredited PLT providers have satisfied themselves of their compliance both with the TEQSA requirements and the practical experience of those currently teaching in their PLT programs but it cannot be assumed that every law school with an accredited law degree will have currently retained academic staff with the professional experience requisite to teach a PLT course – or to set and assess realistic practical skills well.

Work experience

A key question in this reform is whether the work experience (practical placement) component of PLT should be retained, modified, or integrated into the university system. Several approaches could be considered:

Recognition of work experience during completion of law degree	Work experience gained through internships, clerkships, or legal placements completed as part of a law degree could count towards the PLT work experience requirement if it is maintained. Work experience can be completed as part of existing academic courses in many accredited law degrees and could potentially be offered as an additional course itself. It is currently, where offered, offered as an elective. It could be made a mandatory requirement for accredited law degrees with universities being made responsible for ensuring that students are given the opportunity to participate in such work experience. If so consideration would need to be given to the extent to which uniformity was required in terms of mandatory hours, type and assessment of work experience.
Abolishing the work experience requirement for PLT	If the legal profession determines that structured university-based training is sufficient, the requirement for additional supervised PLT workplace experience could be removed altogether thus streamlining the admission process. This may be appropriate if PLT were, for example, streamlined to focus on the essentials only given that supervision is a mandated requirement for new entrants to the profession.
University-organised work placements	As alluded to above, universities could formalise and administer work placements as part of their law degree/PLT programs (or for recognition in existing PLT program), ensuring that all students have access to practical experience, regardless of external employment opportunities.
Law society register for work experience placements	The Law Society could establish a centralised register of law firms and legal employers willing to offer work placements, improving access and transparency for students seeking experience.
Shifting oversight of work placements	Instead of PLT providers overseeing work experience, the LPAB could authorise the Law Society to monitor and regulate work placements, ensuring consistency and quality in legal training.

Work stream

Legislative and regulatory changes

Conduct a comprehensive review of existing legislation and regulatory frameworks to determine the specific amendments or new provisions necessary to implement the proposed changes.

Assess whether modifications are needed and can be agreed to national legal practice rules or if they are needed and cannot be achieved whether amendments at the State level (NSW-specific) would be required and should be progressed.

Engage with regulatory bodies, including the Law Society of New South Wales, and relevant government departments, to determine the feasibility and legal implications of the proposed reforms.

Assess jurisdictional scope: national implementation vs NSW Only

Determine whether this reform can be implemented in collaboration with Uniform Law States (or all Australian states and territories) for a consistent national approach or exclusively within New South Wales.

Consult with interstate regulatory bodies and CALD to explore harmonization possibilities.

Evaluate potential interstate recognition issues if NSW were to proceed independently, ensuring that any new framework does not create barriers for law graduates and legal practitioners moving between jurisdictions.

Develop a structured consultation plan

Identify and prioritize key stakeholders who need to be engaged in the consultation process, including:

- Legal industry bodies (Law Society, Bar Association, Law Council of Australia).
- Legal education institutions (universities, PLT providers, academic experts in legal training).
- Government and regulatory agencies (Attorney-General's Department, Admissions Committees).
- Law firms and employers (both private practice and government employers of new graduates).
- Current PLT students, recent graduates, and early-career lawyers to gain first-hand insights into challenges with the current system.

Establish the best sequence of consultations to ensure all perspectives are considered before finalising recommendations.

Develop a timeline for engagement, including public consultation periods, stakeholder meetings, and regulatory feedback sessions.

Concurrent literature review & benchmarking

Conduct a comprehensive literature search to analyse:

- Existing legal training models in comparable jurisdictions (e.g., the UK's Solicitors Qualifying Examination (SQE), Canada's articling system, the US bar exam).
- Academic and industry studies on legal education effectiveness and the impact of different training models on graduate competency.
- Policy reports and regulatory discussions on legal training reforms within Australia.

Use findings to inform decision-making and ensure that any proposed model is based on evidence-backed best practices.

Identify gaps or inconsistencies in the current PLT system and determine which reform approach best aligns with both industry needs and regulatory expectations.

Potential benefits and challenges

Benefits:

- (1) Embedding PLT in law degrees may reduce the overall costs for students by eliminating the need for a separate, costly PLT course, particularly if the PLT content is reduced to the essentials and the duration of a law degree is not increased.
- (2) Integrating PLT with academic studies could bridge the gap between theoretical knowledge and practical skills so graduates are more practice-ready and learn the theoretical knowledge in a real-life context with practical assessments.
- (3) By maintaining a standalone PLT option, this model accommodates a variety of career pathways while ensuring that university-based PLT remains available for those who prefer an integrated approach.
- (4) Universities would take on a greater role in training lawyers, ensuring a structured, consistent learning experience and improving access to supervised work placements.

Challenges:

- (1) Universities would need some restructuring to accommodate PLT components given, among other factors, the requirement that they maintain AQF levels and TEQSA requirements.
- (2) Universities might impose additional fees for additional PLT components/courses.

- (3) Insofar as there is any increase in required content, this could come at the expense of reduced ability of students to undertake elective subjects.
- (4) There may be resistance from PLT providers whose role in legal education would be diminished and, with a reduced number of students, may face viability issues.
- (5) Work experience opportunities must be equitably available to prevent barriers for students without industry connections.
- (6) Regulatory bodies would need to closely monitor and assess the quality of university-based PLT programs to ensure they meet professional standards.

9.5 Introduce a PLT exam prior to admission

An alternative reform to the current PLT system, would be the introduction of a PLT exam prior to admission. This might be similar in structure and function to a bar exam, which would assess candidates on their practical legal knowledge and skills before admission. This would create a standardised, competency-based assessment for all potential lawyers with the aim of ensuring that every entrant to the profession meets the required practical competencies before being admitted. This would not be entirely unique. Pre-admission exams are a feature of entry to many states in the United States of America and (now) to legal practice in the United Kingdom.

The “Bar Exam” required to be successfully completed before admission as a lawyer in New York, for example, tests legal knowledge, analytical skills, and practical competencies. Whilst there is no mandatory external training course before sitting the exam, candidates will commonly undertake preparation for the exam for two to three months of full-time study by taking structured bar review courses. New York State also requires candidates for admission to complete 50 hours of pro bono work before admission. The United Kingdom recently adopted the Solicitors Qualifying Examination (SQE). This consists of a two-stage exam: SQE1 (testing legal knowledge) and SQE2 (assessing practical legal skills). In addition, candidates must complete two years of Qualifying Work Experience (QWE) under supervision. As every form of assessment disadvantages someone, because some people are naturally more or less adept at some forms of assessment, an admission exam approach is likely to disadvantage students who perform less well in formal examinations, than in other reassessment types.¹⁹¹ Brown and Knight argue that achievements should be assessed by more than one method,¹⁹² that assessment methods should match the goal which students are intended to achieve¹⁹³ and that assessment should be systematic¹⁹⁴ and integrated into the program of learning rather than being “bolted on” to it.¹⁹⁵ Whilst legal practice can involve the need for urgent responses to questions raised by clients, examinations are nonetheless a rather artificial form of assessing “real life” practical skills. If introduced it would also be important to seek to mitigate the risk that students are taught to

¹⁹¹ Sally Brown and Peter Knight, *Assessing Learners in Higher Education* (Routledge Falmer, 2004) 23-24, 35, 63-64 esp 64.

¹⁹² *Ibid.*

¹⁹³ *Ibid* 25, 27.

¹⁹⁴ As they say at *ibid* 27 “no assessment should be an island.”

¹⁹⁵ *Ibid* 52.

master the content necessary to successfully complete the exam rather than learning the practical skills and knowledge for use in practice.

Key features

The proposed PLT exam would test students on the prescribed Competency Standards covering:

- (1) Skills – Legal research, advocacy, drafting, negotiation, problem-solving, and client communication.
- (2) Compulsory Practice Areas – Civil litigation, criminal law practice, property law practice, and professional ethics.
- (3) Optional Practice Areas – Areas such as family law, commercial law, or administrative law, which students may elect to focus on.
- (4) Legal Values – Understanding of professional conduct, ethics, and responsibilities as a legal practitioner.¹⁹⁶

Alternatively, a more limited and focused set of competencies essential for admission might be developed. To qualify for admission, students must pass this exam in order to demonstrate their ability to apply legal principles in a practical, problem-solving context.

Implementation considerations

The introduction of a PLT exam would require a comprehensive framework to be developed, including:

- (1) Eligibility and timing
 - (a) The exam could be available to law degree graduates and potentially also to LL.M graduates or to foreign lawyers who have completed their undergraduate degrees overseas
 - (b) The timing at which students could seek to sit for the exam would require consideration. Students could be permitted to do so as soon as they feel prepared, or only after a structured preparation period.
 - (c) Consideration would need to be given as to whether there would be a maximum number of attempts allowed or a maximum number of attempts allowed before additional training is required.
- (2) Flexibility and alternative pathways

¹⁹⁶ Competency Standards, [3].

- (a) The exam could be offered as an additional option rather than a replacement for current PLT pathways, allowing candidates to choose between completing traditional PLT coursework and passing the PLT exam.
- (b) This flexibility would cater to different learning preferences and career paths while maintaining a rigorous competency assessment.

Work stream

Legislative and regulatory changes

- (1) Identify the necessary legislative reforms required to introduce the PLT exam as an alternative or mandatory requirement for admission.
- (2) Determine whether this model could be implemented across all Uniform Law States (or all Australian states and territories) to achieve consistency across jurisdictions or if this cannot be achieved whether amendments at the State level (NSW-specific) would be required and reform should be progressed as a NSW-only initiative.

Development of the exam content and format

- (1) Establish a framework for the design, structure, and content of the exam to ensure alignment with national competency standards.
- (2) Consider different testing methods, such as a combination of multiple-choice questions, written responses, and practical simulations (e.g., drafting legal documents, client interviews, or oral advocacy components).
- (3) Conduct a literature review on similar professional licensing exams in other jurisdictions, such as the US bar exam or Canada's licensing process, to identify best practices.

Cost and administration

- (1) Assess the financial feasibility of developing and maintaining the exam, including:
 - (a) Exam creation and delivery costs.
 - (b) Potential exam fees for candidates.
- (2) Availability of fee assistance or subsidies for students from disadvantaged backgrounds.
- (3) Determine the frequency (e.g. available monthly, quarterly or half-yearly) and format of exam sittings (e.g., online, in-person, or hybrid models).
- (4) Role of the LPAB in Exam Administration. Options include:
 - (a) The LPAB would be responsible for administering the exam and ensuring its validity and reliability as an assessment tool.

- (b) The LPAB could enter into partnerships with external academic or legal training institutions to assist in exam creation and delivery as well as develop preparatory teaching materials and courses to help candidates prepare for the exam.

Implementation timeline & stakeholder consultation

- (1) Engage with universities, law societies, PLT providers, and the legal profession to gather input on the feasibility and impact of introducing a PLT exam.
- (2) Consider pilot testing before full-scale implementation to assess effectiveness and address any issues.
- (3) Establish a clear timeline for legislative approvals, exam development, and rollout.

Potential benefits and challenges

Benefits

- (1) Seeks to ensure that all candidates meet a consistent standard of practical legal competency before admission.
- (2) Could reduce the need for lengthy PLT courses, making legal training more affordable for students.
- (3) Allows students to choose between structured PLT programs or self-directed learning before sitting the exam.
- (4) Removes potential disparities in PLT training quality across different providers by establishing a uniform competency assessment.

Challenges

- (1) Current PLT providers may resist a system that replaces or reduces demand for their programs.
- (2) Designing a rigorous but fair assessment that accurately measures practical skills, not just theoretical knowledge and which develops knowledge and skill beyond the ability to successfully complete the exam.
- (3) Providing adequate preparation resources so all students, regardless of financial background, have a fair chance to succeed.
- (4) Developing an exam in collaboration with Uniform Law States and national legal education bodies or, if this cannot be achieved, whether this reform could and should be implemented exclusively in NSW. If NSW implements this system alone, questions may arise about interstate recognition of the PLT exam for lawyers moving between jurisdictions.

- (5) This approach may, in practice, still involve significant pre-exam preparation not dissimilar to undertaking a PLT course currently, and thus may involve significant time and cost.
- (6) There would be significant logistical, administrative and cost challenges involved in implementing an exam to be completed by all applicants for admission. These would include mode of administration and maintenance of academic integrity.

9.6 Introduce a PLT exam after admission

An alternative reform, to the introduction of a PLT exam prior to admission, would be doing so after admission potentially at the 2 year stage or expanding the PMC course to include additional content which applicants wishing to act as principals would be required to pass. If this option were followed it could form a component of the proposal to introduce restrictions in addition to the requirement for supervision for the first 2 years of practice, for newly admitted lawyers discussed below such that only on successful completion of the exam would (certain) restrictions be removed. Alternatively the successful completion of the exam may take the form of a requirement for the issuance of an unrestricted practising certificate and be required only of those lawyers who wish to obtain an unrestricted certificate.

Potential benefits and challenges

Benefits

- (1) By requiring the exam be completed after entrance to the profession examinees would benefit from actual experience before attempting the exam
- (2) If introduced as a condition of removal of restrictions on practice for all newly admitted lawyers this would ensure that all candidates for removal of those restrictions meet a consistent standard of practical legal competency before they are removed
- (3) If introduced as a condition of issuance of an unrestricted practising certificate candidates seeking to obtain such a certificate would meet a consistent standard of practical legal competency before an unrestricted certificate was issued and do so proximate to that occurring. Such an exam would cover more than those areas presently examined as part of the brief course that lawyers seeking to obtain an unrestricted practising certificate currently complete.

Challenges

- (1) Designing a rigorous but fair assessment that accurately measures practical skills, not just theoretical knowledge and which develops knowledge and skill beyond the ability to successfully complete the exam.
- (2) Providing adequate preparation resources so all students, regardless of financial background, have a fair chance to succeed and the examination format does not

operate an unfair impediment to admission for those competent students for whom examinations are not a forte.

- (3) Developing an exam in collaboration with Uniform Law States and national legal education bodies or, if this cannot be achieved, whether this reform could and should be implemented exclusively in NSW. If NSW implements this system alone, questions may arise about interstate recognition of the PLT exam for lawyers moving between jurisdictions.
- (4) There would be significant logistical, administrative and cost challenges involved in implementing an exam to be completed by all lawyers at the 2 year mark or to all lawyers seeking the removal of restrictions on their practising certificate. Applicants for admission. These would include mode of administration and maintenance of academic integrity.

9.7 LPAB to offer PLT at lower price by engaging another provider following as a model such as the LEC provision of the LPAB's *Diploma of Law*

This reform option proposes that the LPAB take a more direct role in the creation, delivery and oversight of PLT as a standalone offering rather than – or in addition to – incorporation of PLT within the *Diploma of Law* as discussed above. Like the *Diploma in Law*, a PLT offering by the LPAB would not attract HECS or CSPs. This may make it effectively unaffordable, even if it is substantially cheaper than current PLT offerings, to students who are not having their fees met by their employer or who otherwise lack immediate resources to pay fees upfront.

Implementation options

- (1) LPAB to develop and oversee PLT curriculum
 - The LPAB, in collaboration with partner institutions or training providers, would be responsible for designing and delivering a structured PLT program as a standalone offering.
 - This would include creating teaching materials, setting assessment criteria, and ensuring the program meets competency standards.
- (2) Exploring partnership models
 - The LPAB could partner with legal education experts, universities, or specialised training institutions (or law firms or other employers of lawyers) to deliver the PLT program.
 - Consideration would be given to whether this model could follow the Piddington Society model used in Western Australia, which provides an affordable and community-supported PLT pathway.
- (3) Viability of national or NSW-only model

- Determine whether this reform could be implemented in collaboration with *Uniform Law States* and national legal education bodies or, if this cannot be achieved, whether this reform could and should be implemented exclusively in NSW.
- If implemented as a NSW-only option, consider how it would align with national admission requirements and whether graduates could still seek recognition in other states.

Work stream

Legislative and regulatory changes

- (1) Identify necessary legislative amendments to allow the LPAB to directly provide or commission PLT training.
- (2) Determine if admission rules need to be updated to accommodate this change in *Uniform Law States* (or nationally) or, if this cannot be achieved, whether this reform could and should be implemented exclusively in NSW.
- (3) Evaluate the Piddington Society Model for NSW. The Piddington Society model in WA provides low-cost, community-based PLT with mentorship and practical skills training.
- (4) A feasibility study would determine whether a similar model could work in NSW, including the level of industry support and regulatory approval needed.

PLT delivery partners?

- (1) LPAB might need to identify and engage suitable partners to assist in:
 - (a) Developing the PLT curriculum.
 - (b) Providing instructors, mentors, and assessors.
 - (c) Delivering online and in-person training components.
 - (d) Developing & Supervising the PLT Curriculum
- (2) LPAB would ideally oversee the drafting and approval of course content, ensuring that it:
 - (a) Aligns with Competency Standards for Entry-Level Lawyers.
 - (b) Incorporates practical skills training, legal ethics, and workplace readiness.
 - (c) Provides a mix of theoretical and practical training through workshops, case studies, and simulated legal exercises.

Cost and affordability

A key goal of an LPAB-led PLT model would be keeping costs manageable for students. This may involve:

- (1) Government or industry funding to subsidise costs.
- (2) Reduced administrative expenses by leveraging existing LPAB resources.
- (3) Exploring a tiered pricing model to offer lower-cost PLT pathways for students from underrepresented backgrounds.

Potential benefits and challenges

Benefits:

- (1) This approach could significantly reduce costs compared to existing private PLT providers – although the lack of access to HECS and CSPs is likely to counteract this benefit for some students at least.
- (2) LPAB oversight would ensure consistent, high-quality training across all candidates.
- (3) Could offer flexible delivery modes, including blended learning and workplace-based training.
- (4) LPAB would have direct control over content, assessments and outcomes.

Challenges:

- (1) Establishing an LPAB-led PLT model would require significant investment in curriculum development, partnerships, and administration.
- (2) Existing PLT providers may oppose a government-backed alternative that competes with their programs.
- (3) The LPAB must ensure it has the capacity to administer and manage a large-scale PLT program effectively.
- (4) Developing the model in collaboration with *Uniform Law States* and national legal education bodies or, if this cannot be achieved, whether this reform could and should be implemented exclusively in NSW. If NSW introduces a unique PLT model, it must still ensure graduates can practise in other states.

9.8 Make admission subject to a more restricted certificate with mandated CPD or equivalent for first 2 or 3 years

Whilst new lawyers currently are required to be supervised for their first two years of practice, this reform option proposes introducing a more restricted practising certificate for newly admitted lawyers, requiring them to undergo more structured oversight and more specific and defined continuing legal education for a period of time. McMillan and Lilley suggest two options:

Perhaps inspiration can be drawn from the Australian approach to motor vehicle driving licences and the well-known ‘L Plate/P Plate’ model – so that a newly admitted practitioner would be subject to close supervision for a preliminary period (say, 6 months – the ‘L’ plate) on completion of which they would be permitted to perform more tasks independently, following which they would become eligible for an unrestricted practising certificate. Another alternative might be the requirement to provide evidence of satisfactory performance through the completion of PLT complementary assessments in the workplace during the two year restricted practise period...Under this possible regime, law graduates might be immediately eligible for admission to practice but unable to obtain an unrestricted practicing certificate until they have gathered sufficient evidence to demonstrate the required competencies.¹⁹⁷

Any reform to introduce a more restricted practising certificate and changed to supervision and CPD requirements would need to engage the Law Society of NSW and be regulated by the Law Society. The objective of this Option would be to ensure that early-career lawyers receive structured guidance, professional development, and additional training before the removal of conditions or gaining unrestricted practising rights and/or being permitted to practise in particular specialist practice areas. This Option could form part of a revised approach to PLT in which some of the current Required Competencies, including the current Optional Practice Areas (which might be extended) and potentially the Compulsory Practice Areas cease to be mandatory for completion prior to admission and instead become requirements post admission. In this model the mandated PLT requirements for completion prior to admission might be completed in a much shorter period of time – potentially 3 weeks or perhaps slightly less full-time - than current PLT programs.

Key features

Restricted practice for new lawyers

- (1) All newly admitted lawyers would be required to hold a restricted practising certificate issued by the Law Society.¹⁹⁸
- (2) This certificate would continue to require supervision in the first years of practice but might also limit certain specifically designated activities (e.g. taking clients on their own, appearing in contested hearings, signing legal advices) to ensure that early-career lawyers practice under appropriate supervision and continue to develop their skills in a structured environment.
- (3) The system would function similarly to medical internships, where new professionals operate under progressive oversight before full independence.

Compulsory intensive continuing education

- (1) Lawyers on such a restricted certificate would be required to complete compulsory, structured CPD courses focused on core legal skills, ethics, and practice management.

¹⁹⁷ James McMillan and Rob Lilley, “Why Isn’t All Legal Education Practical?” (2025) 3 *Western Australian Law Teachers’ Review* 49, 59.

¹⁹⁸ This requirement would not apply to the small number of recently admitted lawyers who go directly to the Bar within 2 years of admission.

These courses would ideally be designed and administered by the Law Society and include assessment of learning so that they are treated seriously by new lawyers and there is confidence in outcomes. It is envisaged that new entrants would be mandated to complete 15 hours of CPD for each of the first two years of their admission in addition to the currently prescribed 10 hours of general CPD requirements for NSW lawyers. It is envisaged that this additional 15 hours of in-person practical legal training over each of the first two years of their admission would occur in specialist day-long in person courses of 7.5 hours each following the completion of prior set readings.

- (2) Unlike traditional HELP-funded university programs, this ongoing education would be self-funded by participants or paid for by their employers, with potential tax deductions for course fees.
- (3) The objective of this Option is that new entrants to the profession develop specialised skills will specifically relate to their discipline/area of practice. Unlike the current Competency Standards which provide for limited specialist elective areas, options should be broad enough to meet the practical needs of contemporary lawyers within subject specialisation and relevant areas of practice. It is envisaged that targeted studies for Government Lawyers, Not-For-Profit/Community Legal Centres, In house Counsel as well as courses targeting the work typically done by suburban, remote and regional and small/ medium and large firms. Further, this option will provide for a more meaningful engagement with specialist practice areas because the new lawyers will already have gained some practical experience in the workplace, including most likely in the specialist areas in which they may undertake further training.
- (4) The suggestion is that over the two year period the newly admitted lawyers would need to complete four 7.5 hour courses. Each course may develop skills essential to the work that the lawyer is employed to do in 4 separate speciality areas or build expertise in a single area of specialisation. These courses should be designed or approved by, and should be administered by, the Law Society. They should include assessment of learning – with the possibility of the lawyers failing the assessment and having to retake that or another course – so that they are treated seriously by new lawyers and there is confidence in outcomes. Which courses are appropriate will depend on the work that an admitted lawyer is doing in practice.
- (5) In person training is the intended model in order to facilitate participation and to achieve not only the pedagogical benefits of face to face and in person learning but the relational benefits for the legal profession of interactions between members of the profession sharing practice or discipline areas.
- (6) To enable attendance these training sessions would need to be made available in regional as well as suburban and city locations and be offered in the evenings and on weekend.

Employer involvement and supervision

- (1) Employers would be required to provide structured oversight and mentorship for lawyers on a restricted certificate.
- (2) The degree of employer involvement could be formalised through mandatory supervision reports, structured training plans, performance assessments.

Potential stricter qualification for trust account management

A separate consideration under this model is whether additional qualifications should be required for any lawyer wishing to operate a trust account. This could involve:

- (1) A postgraduate qualification in legal practice management.
- (2) Additional financial and regulatory training before being allowed to manage client funds.

The objective would be to ensure that that only experienced practitioners with sufficient training might take on high-risk responsibilities such as handling trust accounts.

Work stream

Given the central role of the Law Society in the development and oversight of this option further input would be required from the Law Society for it to be progressed.

Legislative and regulatory changes

- (1) Identify necessary amendments to legal admission and practice rules to allow the Law Society to issue and enforce restricted practising certificates.
- (2) Determine whether this can be implemented in coordination with *Uniform Law States* for national consistency of, if this cannot be achieved, as a NSW-only initiative.

Determining the scope of employer oversight

- (1) Define the level of supervision and training employers must provide to restricted certificate holders.
- (2) Establish clear guidelines on reporting, mentorship and progression requirements.
- (3) Consider penalties or compliance measures for firms that fail to properly supervise junior lawyers.

Development of mandatory continuing education

- (1) The Law Society would need to design and develop the required intensive education courses, covering:
 - (a) Advanced legal skills relevant to the relevant discipline/ practice area).

- (b) Ethical and regulatory compliance in the specific context of the relevant discipline/ practice area
 - (c) Legal business management for those aiming to run their own firms in the future.
 - (d) Compulsory Practice Areas (if these cease to be mandatory for completion prior to admission); and
 - (e) Two or more Optional Practice Areas from those presently forming part of the PLT programs with the potential additional of other Practice Areas (if these cease to be mandatory for completion prior to admission);
- (2) The cost of continuing education courses would need to be determined to ensure affordability while maintaining high educational standards.

Consideration of accreditation/ equivalency/ advanced standing/ credit

Current PLT Providers and law schools currently teach skills and content in their PLT, law degree or post-graduate degrees or may develop appropriate courses such as microcredentials (or along with other providers may develop content) which may meet the requirements of this new CPD requirement with amendment if needed. Guidelines for recognition of such courses and for advanced standing and credit will be required to be developed.

Need for additional qualifications for trust account operators

- (1) Consult the legal profession, regulatory bodies and financial experts to determine whether a higher standard of qualification should be required for lawyers managing client trust accounts.
- (2) If implemented, establish course content, certification requirements, and assessment procedures for obtaining trust account management approval.

Potential benefits:

- (1) Ensures that new lawyers continue to develop critical skills under structured supervision.
- (2) Better supervision and professional support which reduces the risk of early-career lawyers being thrown into complex matters without guidance.
- (3) Higher standards in legal practice– Lawyers must demonstrate ongoing competency before obtaining an unrestricted practising certificate.
- (4) Reduces the need for all law degree graduates to cover content in their PLT program which is not relevant to their practice
- (5) Enables study directly relevant to the practice of lawyers and development of professional contacts and relationships

Potential challenges:

- (1) Compulsory continuing education and supervision could add financial burdens to new lawyers.
- (2) Ensuring that firms follow supervision guidelines may require strong regulatory oversight.
- (3) Consider the potential for development in collaboration with Uniform Law States and national legal education bodies or, if this cannot be achieved, whether this reform could and should be implemented exclusively in NSW. Again, interstate recognition issues – if NSW adopts this model alone, there may be challenges in ensuring recognition in other states.
- (4) Again, potential resistance from the profession. Law firms and new lawyers may push back against additional training and costs, requiring strong justification for the changes.

9.9 Reviewing and expanding the PMC

Rather than requiring all practitioners to meet all of the requirements outlined above the existing PMC could be reviewed and expanded and be required only for those solicitors wishing to act as a principal.

9.10 Reviewing and expanding specialist accreditation/ mandate specific studies in a discipline area for those wanting to practice or to practice as a principal

The specialist accreditation program is currently optional and offered in only 6 practice areas. It could be reviewed and expanded into more areas and made mandatory at least for those practitioners wishing to practise in a specific area as a principal.

Alternatively, or as another option, solicitors could be required to obtain Specialist Accreditation, to complete other postgraduate study in a particular practice area in order to practice – or continue to practice or to act as a principal – in any particular practice area. This could, for example, take the form of a postgraduate Certificate, Diploma or Master of Laws or the completion of particular law electives, micro credentials or other studies.

9.11 Bursaries/subsidies for practice areas which have difficulties attracting and retaining staff

There appear to be particular challenges for regional law firms to attract and retain staff. Whatever form reform to PLT might ultimately take, this challenge might be ameliorated to some extent if financial support could be made available to students completing their PLT regionally.

10 Recommended Option: A shorter pre-admission requirement and greater post-admission requirements for 2-3 years post-admission

This section seeks to draw upon some of the options suggested above to propose a new structure for PLT with alternatives. It begins with a summary of the conclusions suggested by the PLT Survey and subsequent consultations as detailed in this Discussion Paper.

The legal profession has fundamentally changed since the LACC PLT Competency Standards and Schedule 2 of the *Uniform Law* were introduced. The results of the PLT Survey and the LPAB's subsequent extensive consultations strongly suggest that both the design and delivery of PLT under that approach are no longer fit for purpose.

There was also a very consistent view among legal practitioners – and new entrants to the profession – that the most effective training occurs post-admission whilst working in the profession and that this is the most practical learning occurs.

The current Competency Standards include mandatory content (for example in Property Law) which is not relevant to many practitioners, given the small number of truly generalist lawyers. They also include only a limited number of Optional Areas all of which are not relevant to new entrants to the legal profession. Similarly, whilst work experience was considered generally valuable there were significant issues raised with lengthy pre-admission requirements for work experience in PLT programs which is often unpaid.

Current PLT programs are generally structured as post-graduate qualifications. To meet the requirements for an AQF-8 accreditation involves expense as TEQSA requirements must be met. These include as to volume of learning and teaching staff qualifications. This means that PLT programs can be time-consuming and expensive. Whilst a benefit of PLT programs meeting AQF degree qualifications is that some students are eligible for FEE-HELP and some positions may attract CSPs, some students, particularly those who have completed their law degree as JDs, are not able to access FEE-HELP having already borrowed the maximum amount. Law degrees are themselves expensive and students accessing FEE-HELP nevertheless are required to make repayments to the Commonwealth as they meet the relevant income thresholds.

As a result, a real question arises as to whether current PLT requirements function as a significant barrier to entry of a kind which cannot be justified. If a PLT program were designed which is considerably shorter in duration, which is less expensive and focused on essential skills which are generally required by all lawyers this would be preferable. The details of such a proposal are sketched below.

In particular, the consultations suggest that a three week face-to-face course focusing on “lawyers’ skills” would be welcomed by the legal profession. It is envisaged this program would address general skills required by every lawyer such as client interviewing, navigating the requirements of confidentiality, adhering to the Solicitors Conduct Rules, appearing in Court, drafting and advice and taking a file note, and so forth. Many of those in the focus groups mentioned other foundational skills which should be mastered by new entrants to the legal profession such as answering the phone, writing emails, and professional etiquette.

10.1 Interim changes in NSW

To address what can be done in the short term and in conjunction with the existing PLT Providers, the LPAB is considering accrediting on a trial basis reforms to the PLT program under the existing Schedule 2 as follows:

Mandating face to face in person teaching

The most significant change is that all PLT providers in NSW will be required to provide three weeks in person face to face (not synchronous AVL or on-line) PLT teaching as part of their offering. The face to face components required will be key lawyer skills (i.e. covering all four topics listed in the “Skills” section of the Competency Standards).¹⁹⁹ It is hoped to have this requirement operational from 2026 and for it to operate on a trial basis for two years. This will enable an evidence based analysis of such matters as the benefits/need for such an approach, the most appropriate duration of such a requirement and of the optimal structure (e.g. 3 consecutive weeks of in person and face to face skills development or 15 days of face to face and in person skills development spread over the PLT program). Doing so will enable the development of a degree of testing of whether face to face teaching of core lawyers’ skills as part of PLT improves the quality of the PLT offering and becomes a template for future.

The expectation is that all students will attend face to face for three weeks but there will be limited approved exceptions (on a trial basis) for disability and, for exceptional circumstances of illness, remoteness and financial disadvantage.

Workplace experience

It is clear that actually working in the legal profession is the best means of providing practical training for the work that lawyers do. Engaging with the profession is also an important means of developing and maintaining the community and tradition of the profession. Thus mentorships, internships, clerkships, clinical programs, paralegal and other legal roles are an excellent means of training. These should be encouraged in all law degrees.

The current structure of PLT acts as a discouragement to working in the profession during the completion of law degrees, as the mandated work experience requirement must occur after completion of the degree. Lengthy PLT work experience is not supported by the PLT Surveys and in the subsequent consultations appeared friendless. The work experience component of PLT as applied by the PLT providers commonly requires 75 days of work experience accumulated at a rate of two days per week.²⁰⁰ The feedback received was that this length of work experience was not necessary. Smaller firms cannot support the provision of appropriate tasks to assign to the graduates for that period. Nor is 75 days necessary to trial a potential new employee as firms know much sooner than 75 days whether an individual is likely to be a suitable future employee.

Moreover, and significantly, requiring such a lengthy period of work experience as a prerequisite to admission lends itself to potential exploitation of law graduates. Requiring graduates to

¹⁹⁹ Competency Standards, [3(1)].

²⁰⁰ See the LACC PLT Competency Standards, [4.2(d)].

undertake 15 weeks work before they can be admitted, potentially unpaid, constitutes a very significant barrier to entry, especially for those from lower socio-economic backgrounds and/or those who need an income to support themselves and their families.

Work experience requirements for PLT should be 15 days. Furthermore, prohibitions on advanced standing for work experience completed prior to completion of law degrees should be removed.

10.2 Future change

Identifying the essentials prior to admission

This option involves reviewing the present PLT with the aim of identifying, on the one hand, skills of a generic nature which all lawyers should possess prior to admission and, on the other hand, those skills more appropriately developed post-admission.

Whilst much of the feedback obtained observed that much training, of necessity, must occur during employment in the profession, there are a number of essential and generic skills which all lawyers need. Skills essential for legal practice are best developed over time and through repetition rather than by the completion of one solitary task, assessment or simulation. There are also benefits to developing legal skills in context rather than in isolation. Once agreed upon these will be gained during the completion of law degrees and in a short mandatory capstone PLT program.

Whilst this Discussion Paper discusses some of those skills, the first step in this option is to settle on those essentials. They may be limited to the core Skills and Values which are presently mandated in PLT or they may include some additional specific skills (such as some basic Civil and Criminal Court competencies) together with Work Experience of a minimum of 15 days (which, as noted above, may be completed during a law degree).

It is worth noting that as regards the current “Trust and Office Accounting”, there is force in the suggestion that it is important that new lawyers understand the broad nature of the restrictions that apply to receiving client funds and so forth, but that does not necessitate them having a detailed understanding of how trust accounts are kept. For that issue, and perhaps others, what is important is that new lawyers have the issue “on their radar” without seeking to give them a detailed explanation that most will never need to draw upon, and which in any case is required to be studied further before an unrestricted practising certificate can be obtained.

Focusing in on essential requirements will reduce barriers to entry. Of course, there may be law graduates who still wish to undertake a longer graduate diploma in order to meet their PLT requirements. That something lesser is required does not prevent the market offering more encompassing options.

Law degrees to incorporate mandatory practical content/assessments

Law Schools should be required to embed identified practical skills and assessments throughout their accredited law degrees in the context of the teaching of their mandatory

courses, at least in some subject areas such as Civil Dispute Resolution and Criminal Law and Procedure.

Further, courses addressing the Priestley 11 requirement of Ethics and Professional Responsibility should be required to be undertaken in the final year of law degrees, closer to the time that law graduates will be commencing practice.

This proposal may involve some reconsideration of the content of Schedule 1 of the Admission Rules and/or the accreditation standards.

A short face to face and in person capstone PLT program of some 2-3 weeks duration

The benefits of this type of program have already been addressed. The current proposal is that the course be undertaken over 3 weeks. There is room for argument that it should instead be shorter, say 2 weeks, or longer say 4 weeks (as is required in the Bar Practice Course undertaken by new barristers in NSW).

The requirement may be met in a number of alternative ways:

- (1) Where, in addition to the embedded legal skills which will be required of all law degrees, the capstone content is included at the end for the law degree they might be gained there as part of the degree, as a microcredential or as part of a post-graduate degree;
- (2) Where included in a GCLP or GDLP or equivalent they might be gained there; or
- (3) They might be taught by the Law Society in Sydney and by Regional Law Societies, and/or by approved graduate employers, by universities and by PLT providers in a focused and short course perhaps of 2-3 weeks in duration.

It is hoped that the reduction in duration and the opportunity for the program to be run without the need to meet TEQSA and AQF requirements will increase the opportunities for such a course to be provided in regional NSW.

Removing requirements for PLT to be taught at any AQF level

As PLT should be a very practical program it is not necessary that it be taught as a formal AQF accredited qualification – and certainly not to the standard of being a graduate diploma.

The shorter PLT program which is envisaged should be taught by practising and experienced lawyers. Whilst PLT programs, which are not taught as an AQF qualified degree will not attract access to the FEE-HELP Scheme, this ought not be a driver for the mandating of a degree or AQF qualification requirement for what should be a very practical program. As noted, what is proposed would not prevent PLT providers still offering a graduate diploma qualification, for which that Scheme would be available.

Developing skills post-admission

Given the varied nature of the legal profession, rather than requiring all graduates to complete mandated Compulsory Practice Areas or to choose a limited number of Optional Practice Areas on which to receive training before admission, these might be moved to become post-admission CPD requirements overseen by the Law Society.

New graduates would, on this approach, be required to complete more CPD points than experienced lawyers, say 15 additional hours, to the standard mandated CPD required of all lawyers, in each of the first two years. This additional requirement could effectively take the place of the two Optional Practice Areas currently required under the Competency Standards²⁰¹. The Law Society may provide credit to those students who have undertaken further post-graduate study in a GCLP, GDLP, LLM (or equivalent) or in bespoke microcredentials.

Key to the proper development of new lawyers is their supervision. The onus for post-admission supervised practice currently rests with supervisors who after completion of the requisite period of post-admission practice certify if a lawyer is competent. Reform is needed in this process such that supervisors are engaged in the identification of the appropriate CPD necessary for the lawyer(s) under their supervision and more rigour is introduced into the supervision process by way of mandatory supervision reports, structured training plans and performance assessments.

10.3 Key features

Restricted practice for new lawyers with a requirement for extended CPD

- (1) All newly admitted lawyers would still be required to hold a restricted practising certificate issued by the Law Society.
- (2) This certificate would continue to require supervision in the first years of practice but might also permit practice limited to certain specifically designated activities until the 15 hours of CPD required of new lawyers, additional to the 10 hours of CPD mandated of all lawyers, has been undertaken in the first two years. The restrictions might apply for example to taking clients on their own, appearing in contested hearing and signing legal advices. This approach seeks to ensure that early-career lawyers practice under appropriate supervision and continue to develop their skills in a structured environment.
- (3) New lawyers on such a restricted practising certificate would be required to complete two 7.5 hours face to face and in person CPD courses per year for each of the first two years of practice in addition to the currently mandated CPD points required of all admitted lawyers. Each course may develop skills essential to the work that the lawyer is employed to do in 4 separate speciality areas or build expertise in a single area of specialisation. This training would occur in specialist day-long, in person, courses of 7.5 hours each following the completion of prior set readings. These courses should be designed or approved by, and should be administered by, the Law Society. They should include

²⁰¹ Competency Standards, [3].

assessment of learning – with the possibility of the lawyers failing the assessment and having to retake that or another course – so that they are treated seriously by new lawyers and there is confidence in outcomes. Which courses are appropriate will depend on the work that an admitted lawyer is doing in practice.

- (4) Unlike traditional FEE-HELP-funded university programs, this ongoing education would be self-funded by participants or paid for by their employers, with potential tax deductions for program fees.
- (5) The objective of this Option is that new entrants to the profession develop specialised skills that will be specifically related to their discipline/area of practice. Unlike the current Competency Standards which provide for limited specialist elective areas, options should be broad enough to meet the practical needs of contemporary lawyers within subject specialisation and relevant areas of practice. It is envisaged that targeted studies will be offered for Government Lawyers, Not-For-Profit/Community Legal Centres, In-house Counsel as well as courses targeting the work typically done by suburban, remote and regional and small/ medium and large firms.
- (6) To facilitate participation and to achieve not only the pedagogical benefits of face to face and in person learning but the relational benefits for the legal profession of interactions between members of the profession sharing practice or discipline areas, in person training is the intended model.
- (7) To enable attendance, these training sessions would need to be made available in regional as well as suburban and city locations and could be offered in the evenings and on weekends.
- (8) The system would function similarly to medical internships, where new professionals operate under progressive oversight before full independence.

Employer involvement and supervision

- (1) Employers would be required to provide structured oversight and mentorship for lawyers on a restricted certificate.
- (2) The degree of employer involvement could be formalised through mandatory supervision reports, structured training plans, performance assessments.

Potential stricter qualification for trust account management

A separate consideration under this model is whether, given that it is intended that PLT would focus less on Trust and Office Accounting, any additional qualifications or changes to the PMC course, should be required for any lawyer wishing to operate a trust account. If so, this could involve:

- (1) A postgraduate qualification in legal practice management.

- (2) Additional financial and regulatory training before being allowed to manage client funds.

The objective would be to ensure that that only experienced practitioners with sufficient training might take on high-risk responsibilities such as handling trust accounts.

Conclusion

The need for reform of legal education has been identified from time to time in the past. The results of the PLT Surveys and the subsequent consultations confirm that such a need for change has arisen again with respect to practical legal training in particular and legal education more broadly. The preparation of lawyers for the profession can and must be better. The future of the profession depends on it. The proposal made in this Discussion Paper is one which seeks to improve quality, lower barriers to entry to the profession including costs and make the overall training of entry level lawyers better.

Attachment A: Current legislative framework for training of entry level lawyers

A.1 Law Degrees

For the purposes of s 17(1)(a) of the *Uniform Law*, the specified academic qualifications prerequisite requires successful completion of an accredited tertiary academic course in Australia. This must involve the equivalent of at least 3 years' full-time study in a law degree which, the relevant accrediting Board has determined, will provide for a student to acquire and demonstrate appropriate understanding and competence in each element of the academic areas of knowledge set out in Schedule 1 (colloquially referred to as the Priestley 11) or otherwise determined by the Admissions Committee after consulting each of the Boards.²⁰² It should be noted that the Priestley 11 are described as "academic areas."

To facilitate the process of accreditation of law degrees, in NSW, the LPAB developed a Framework for the Accreditation of Law Course (Framework). Prior to amendment passed at the June 2025 LPAB meeting, the Framework included the following:

Part 4.2 The duration of the law course

The proper construction of the equivalent full-time student load of three years ('EFTSL of 3.0') requires that only academic law subjects may constitute the required three year period for the purpose of recognition of the degree for accreditation. *Substituting academic content with practical content is not considered to meet the academic requirements.*²⁰³ (emphasis added)

In this way the Framework may have acted to discourage the integration of practical content in law degrees. This provision of the Framework has now been amended to read as follows (underline added – strikethrough deleted):

²⁰² *Legal Profession Uniform Admission Rules* (2015) (NSW), sch 1 pt 2 (*Admission Rules*).

²⁰³ Introductory words at page 14 in the section headed Part 2 The duration of the law course (Accreditation Standard 4.2).

Part 4.2 The duration of the law course

The proper construction of the equivalent full-time student load of three years ('EFTSL of 3.0') requires that only law subjects constitute the required three-year period for the purpose of recognition of the degree for accreditation. A law subject will meet the requirement even though the subject may include learning activities and/or assessments of a practical or experiential nature designed to deepen or test understanding of the legal content.

The current Priestley 11 requirements are set out in full in Attachment B to this Discussion Paper. Pursuant to the *Uniform Law's* relevant interpretation provision, although the Priestley 11 topics are grouped under the headings of particular areas of knowledge, this is a matter of convenience. The grouping does not mean that any topic needs to be taught in a named subject covering the area of knowledge named in the heading rather than in another suitable subject.²⁰⁴ As a result accredited law degrees cover Priestley 11 content in a range of different courses with differing emphasis. Priestley 11 content is also scheduled at differing times within different law degrees. As McMillan and Lilley observe:

The existing PLT model is such that several years may pass between a student's theoretical study of a subject [in their law degree] and the student encountering the subject again in PLT.²⁰⁵

The extent to which there may be any capacity to incorporate practical content in a compulsory law course is also impacted by degree design. For example, some law degrees cover the mandated Priestley 11 content in single courses, whilst others devote two courses of their accredited law degrees to the coverage of a single Priestley 11 academic area. Other law schools embed Priestley 11 content across multiple courses in their degree covering those mandated "academic areas."²⁰⁶ This has the consequence that the number of assessments in mandated "academic areas, the practicality of law degrees and assessments, the placement of Priestley 11 content within degrees and the number of law electives forming part of accredited law degrees all vary between law schools. The number of law electives which form part of accredited law degrees is also impacted by other differences in approach including whether or not, for example, Honours is available in the relevant law degree. If Honours is available, the number of law electives available to Honours students will also be impacted by whether Honours is embedded in the law degree (further reducing the number of law electives offered in such a law degree) or not.

For present purposes it should be noted, in particular, that the Priestley 11 "academic areas" currently include:

- A basic knowledge of the principles relating to the holding of money on trust;²⁰⁷

²⁰⁴ *Admission Rules*, Sch 1 [2].

²⁰⁵ James McMillan and Rob Lilley, "Why Isn't All Legal Education Practical?" (2025) 3 *Western Australian Law Teachers' Review* 49, 56.

²⁰⁶ For example each of the accredited law degrees offered by The University of Notre Dame Australia (Notre Dame) include two courses in each of property, equity and trusts and contracts and content in Professional Responsibility and Ethics and statutory interpretation are embedded across the degree in multiple courses.

²⁰⁷ Within "Ethics and Professional Responsibility".

- Civil Litigation;²⁰⁸
- Property;
- Contract and Company Law;
- Administrative Law;
- Criminal Law and Procedure; and
- Ethics and Professional Responsibility.

The term “academic” and the term “practical” are not defined in the *Uniform Law*, the Admission Rules or the Framework. The online *Cambridge Dictionary* defines “practical” to mean relating to experience, real situations, or actions rather than ideas of imagination.”²⁰⁹ It defines “academic” to mean “based on ideas and theories and not related to practical effects in real life.”²¹⁰ If those are the relevant meanings, in this context, it would suggest an intention to draw a distinction – and separation – between the content of law degrees, intended to meet the academic part of a law student’s study, and the practical intended to be covered in the PLT. However, Schedule 2 of the Admission Rules (the Competency Standards) suggest that PLT is not intended to be solely practical. They require PLT to be provided at a level appropriate for post graduate training at, at least the level of a Level 8 Qualification under the Australian Qualification Framework (AQF).²¹¹ The Admission Rules also require the PLT to “build on the academic knowledge, skills and values about the law, the legal system and legal practice” gained by the student in their law degree.²¹²

A.1.1 Currently accredited law degrees and AQF levels and the role of TEQSA

The LPAB has accredited a *Diploma in Law*, taught by the Law Extension Committee (LEC) and examined by the LPAB itself, and *Bachelor of Laws* (which may be completed with Honours and as a joint degree at some law schools) and *Juris Doctor* (JD) degrees provided by a number of law schools.²¹³ The LEC program falls outside the AQF,²¹⁴ and is not subject to regulation by the Tertiary Education Quality and Standards Agency (TEQSA).²¹⁵ The law schools, offering accredited law degrees, are all subject to the AQF and, the institutions of which they form part, are subject to TEQSA regulation. The AQF is a broad discipline-free terminology which is used to describe each category of AQF qualification. The aim is to ensure national recognition and

²⁰⁸ Within “Civil Dispute Resolution”.

²⁰⁹ Cambridge Dictionary, “Practical” (Online, accessed on 20 May 2025), available at <<https://dictionary.cambridge.org/dictionary/english/practical>>.

²¹⁰ Cambridge Dictionary, “Academic” (Online, accessed on 20 May 2025), available at <<https://dictionary.cambridge.org/dictionary/english/academic>>.

²¹¹ Competency Standards, [5] and [7].

²¹² Ibid r 7(1).

²¹³ LPAB, *Accredited Law courses & PLT providers* (Website), available at <<https://lpab.nsw.gov.au/admission-lawyer/accredited-law-courses-plt-providers.html>>.

²¹⁴ Australian Qualifications Framework (Website), available at <<https://www.aqf.edu.au/>>.

²¹⁵ Australian Government, *Tertiary Education Quality and Standards Agency* (Website), available at <<https://www.teqsa.gov.au/>>.

consistency as to what a particular type of qualification will entail. Each AQF qualification type includes the generic requirements for that type of qualification such as:

- the AQF levels criteria;
- the type descriptor of qualifications using that terminology; and
- information about the responsibilities of qualification developers, teaching qualification requirements, accrediting authorities and issuing organisations.²¹⁶

Law degrees are currently offered at AQF Level 7 (*Bachelor of Laws*), AQF Level 8 (*Bachelor of Laws (Honours)*) and AQF Level 9 (*Juris Doctor*). The relevant AQF levels for these degrees are set out below:

AQF Level 7 criteria for the Bachelor Degree

The purpose of the Bachelor Degree qualification type is to qualify individuals who apply a broad and coherent body of knowledge in a range of contexts to undertake professional work and as a pathway for further learning.

Bachelor Degree qualifications are located at level 7 of the Australian Qualifications Framework.

Bachelor Degree qualifications must be designed and accredited to enable graduates to demonstrate the learning outcomes expressed as knowledge, skills and the application of knowledge and skills specified in the level 7 criteria and the Bachelor Degree descriptor.

AQF Level 8 criteria for the Bachelor Honours Degree

The purpose of the Bachelor Honours Degree qualification type is to qualify individuals who apply a body of knowledge in a specific context to undertake professional work and as a pathway for research and further learning.

Bachelor Honours Degree qualifications are located at level 8 of the Australian Qualifications Framework.

Bachelor Honours Degree qualifications must be designed and accredited to enable graduates to demonstrate the learning outcomes expressed as knowledge, skills and the application of knowledge and skills specified in the level 8 criteria and the Bachelor Degree descriptor.²¹⁷

AQF Level 9 criteria for the Juris Doctor degree

²¹⁶ Ibid. See also, Australian Government, *Tertiary Education Quality and Standards Agency: Australian Qualifications Framework* (Website), available at <<https://www.teqsa.gov.au/how-we-regulate/acts-and-standards/australian-qualifications-framework>>.

²¹⁷ Australian Qualifications Framework: AQF Qualifications (Website), available at <<https://www.aqf.edu.au/framework/aqf-qualifications>>.

The use of the title 'Juris Doctor' is permitted for a Masters Degree (Extended) for legal practice.²¹⁸

The purpose of the Masters Degree (Extended) is to qualify individuals who apply an advanced body of knowledge in a range of contexts for professional practice and as a pathway for further learning. Masters Degree qualifications are located at level 9 of the Australian Qualifications Framework.

The knowledge, skills and the application of knowledge and skills required at each of these AQF levels is set out below:

AQF level 7 criteria

Summary

Graduates at this level will have broad and coherent knowledge and skills for professional work and/or further learning.

Knowledge

Graduates at this level will have broad and coherent theoretical and technical knowledge with depth in one or more disciplines or areas of practice.

Skills

Graduates at this level will have well-developed cognitive, technical and communication skills to select and apply methods and technologies to:

analyse and evaluate information to complete a range of activities

analyse, generate and transmit solutions to unpredictable and sometimes complex problems

transmit knowledge, skills and ideas to others

Application of knowledge and skills

Graduates at this level will apply knowledge and skills to demonstrate autonomy, well-developed judgement and responsibility:

in contexts that require self-directed work and learning

within broad parameters to provide specialist advice and functions

AQF level 8 criteria

Summary

²¹⁸ Australian Qualifications Framework, AQF Qualification Titles (Website), available at <<https://www.aqf.edu.au/download/436/aqf-qualification-titles/30/aqf-qualification-titles/pdf>>.

Graduates at this level will have advanced knowledge and skills for professional or highly skilled work and/or further learning.

Knowledge

Graduates at this level will have advanced theoretical and technical knowledge in one or more disciplines or areas of practice

Skills

Graduates at this level will have advanced cognitive, technical and communication skills to select and apply methods and technologies to:

analyse critically, evaluate and transform information to complete a range of activities

analyse, generate and transmit solutions to complex problems

transmit knowledge, skills and ideas to others

Application of knowledge and skills

Graduates at this level will apply knowledge and skills to demonstrate autonomy, well-developed judgement, adaptability and responsibility as a practitioner or learner.

AQF level 9 criteria

Summary

Graduates at this level will have specialised knowledge and skills for research, and/or professional practice and/or further learning.

Knowledge

Graduates at this level will have advanced and integrated understanding of a complex body of knowledge in one or more disciplines or areas of practice.

Skills

Graduates at this level will have expert, specialised cognitive and technical skills in a body of knowledge or practice to independently:

analyse critically, reflect on and synthesise complex information, problems, concepts and theories

research and apply established theories to a body of knowledge or practice

interpret and transmit knowledge, skills and ideas to specialist and non-specialist audiences

Application of knowledge and skills

Graduates at this level will apply knowledge and skills to demonstrate autonomy, expert judgement, adaptability and responsibility as a practitioner or learner.

This means that any changes, which might be made, to existing *Bachelor of Laws*, *Bachelor of Laws (Honours)* and *JD degrees*, for example to mandate the inclusion of the development of more legal skills and/or mandating particular forms of assessment, would need to be carefully assessed in consultation with each law school and within their institutions to ensure that they maintain compliance with these requirements.

A.2 The role of TEQSA

TEQSA registers all higher education providers and has responsibility for ensuring that each such provider and their qualifications meet the *Higher Education Standards Framework (Threshold Standards) 2015* (HES Framework).²¹⁹ This includes compliance with the requirement that the learning outcomes of the qualifications are consistent with the AQF level of the qualification.²²⁰ TEQSA will also check that academic staff are appropriately qualified in the relevant discipline consequent on the AQF level of the qualification offered to:

- (1) at least one level higher than the AQF qualification level being taught. To satisfy this requirement to teach into a level 7 *Bachelor of Laws* the relevant Academic must hold at least an AQF level 8 qualification such as a *Bachelor of Laws (Honours)* or a *Graduate Diploma of Legal Practice (GDLP)*. To satisfy this requirement to teach into a level 8 *Bachelor of Laws (Honours)* the relevant Academic must hold at least an AQF level 9 degree such as *Master of Laws* or a *Juris Doctor*. To satisfy this requirement to teach into a level 9 *Juris Doctor* the relevant Academic must hold at least an AQF level 10 degree such as a *Doctor of Philosophy* (PhD). This method of establishing an academic's qualifications is objective and easily established; or
- (2) that they have equivalent professional experience, as required in Standard 3.2.3 of the HES Framework.²²¹ For a higher education provider to qualify an academic, who does not hold a qualification at an AQF level above the relevant qualification, as meeting this criteria, the provider must establish a policy which codifies a framework for determining equivalent professional experience.²²² Equivalent professional experience is not established simply because a person has spent considerable time working in a particular profession.²²³ The necessary assessment must also consider "how the professional experience demonstrates achievement that is equivalent to the specific knowledge and

²¹⁹ Australian Government, *Tertiary Education Quality and Standards Agency: TEQSA and the Australian Qualifications Framework: Questions and answers version 3.1* (Website), available at <<https://www.teqsa.gov.au/guides-resources/resources/guidance-notes/teqsa-and-australian-qualifications-framework-questions-and-answers>>.

²²⁰ Ibid.

²²¹ Ibid.

²²² Australian Government, *Tertiary Education Quality and Standards Agency: Guidance note: Determining equivalence of professional experience and academic qualifications* (Website), available at <<https://www.teqsa.gov.au/guides-resources/resources/guidance-notes/guidance-note-determining-equivalence-professional-experience-and-academic-qualifications>>.

²²³ Ibid.

skills established in the learning outcomes of the required AQF level being considered” and should consider:

- the full range of professional experience
 - including teaching experience (i.e. teaching at lower AQF levels, conducting professional development seminars, giving public lectures), scholarship and professional practice
- minimum requirement for academic qualification(s)
 - for example where staff are able to meet the AQF+1 requirement through professional experience, they could be required nonetheless to hold an academic qualification at least equivalent to the AQF level of the course of study being (or proposed to be) taught, and
- the specific criteria for assessing professional equivalence at each level
 - where a policy points to multiple criteria, the policy should be clear about whether each criterion is sufficient on its own, or is to be assessed in combination with others.

The evidence to be considered when assessing the professional experience of an individual may include evidence of:

- leadership in the development of professional standards;
- performing in a role that requires high order judgement and the provision of expert advice, or roles at a senior level;
- managing significant projects in the field;
- testimonials, awards or other recognition that acknowledges leadership or expertise in the field of education;
- contributions in the field of education through participation in advisory boards and professional networks;
- peer reviewed publications in the field of education;
- other publications such as books and reports; and
- leadership or management of research acknowledged by peers.²²⁴

TEQSA considers four elements in assessing the suitability of the teaching staff for a particular program of study:

²²⁴ Ibid.

- qualifications and experience;
- knowledge of contemporary developments in the discipline or field, informed by scholarship or research;
- skills in teaching, learning and assessment relevant to the discipline; and
- relevance of the discipline.²²⁵

As all PLT programs currently taught in NSW are within the form of a formal academic qualification, to comply with the TEQSA requirements the teaching staff must have an academic qualification above that which they teach into or “equivalent experience” adjudged by the PLT providers own policy. The result is different requirements for academics to teach into PLT programs and the consequence that students in a PLT program need not be taught by instructors with current, relevant or, necessarily, any legal experience. The Competency Standards similarly leave this potential open as they provide that:

8 Qualification of instructors and supervisors

A person instructing or supervising an applicant while acquiring competence in any Skill, Practice Area or Value must:

- (a) either have substantial current or recent experience in practising law; or
- (b) have comparable relevant qualifications or experience; and
- (c) comply with any other relevant legislative or regulatory requirements in the relevant jurisdiction.²²⁶

In practice, accredited PLT providers, each with their own approach, do require practice experience. For example, Leo Cussen differentiates in its requirements for staff retained as Mentors in their PLT program from Supervising Lawyers, who are contracted staff members. Mentors must, at a minimum have completed a law degree and retain a current practising certificate. Leo Cussen strongly prefers to engage Mentors with post-graduate qualifications in law, education or training. Mentors must also have at least 10 years post admission practice (PAE) in the legal profession or “demonstrate other comparable or exceptional life and work experience.”²²⁷ Supervising Lawyers must have completed a law degree and retain a current practising certificate. Leo Cussen strongly prefers to engage Supervising Lawyers with post-graduate qualifications in law, education or training. Mentors must also have at least 5 years PAE which is usually within the specialised area which they teach in.²²⁸

²²⁵ Ibid.

²²⁶ Schedule 2, Admission Rules. See also *LACC PLT Competency Standards for Entry Level Lawyers* [4.5], available at <<https://legalservicescouncil.org.au/documents/PLT-competency-standards-for-entry-level-lawyers-Oct-2017.pdf>>.

²²⁷ Letter dated 5 June 2025 from George Bartzis, Legal Counsel, Leo Cussen Centre of Law to Justice Anthony Payne, 23.

²²⁸ Letter dated 5 June 2025 from George Bartzis, Legal Counsel, Leo Cussen Centre of Law to Justice Anthony Payne, 24.

At the University of Newcastle (Newcastle), all lawyers in the PLT program offered by that institution have completed a law degree, hold a current practising certificate, are currently in practice and they are specifically recruited for their expertise in the areas in which they teach. They have an average of 10 years current and relevant practical experience and substantial experience in supervising entry level lawyers.²²⁹

In the PLT program offered at UTS, clinical practitioners are required to have completed a law degree and PLT and to either: (1) be in practice as a lawyer; or (2) to have been in practice as a solicitor or barrister for at least 5 years. They are required to have practice experience in general skills such as communication, problem-solving and collaboration. Subject coordinators and members of teaching teams must have expertise in their subject and practitioners in electives must have expertise in that area.²³⁰

The practical experience of academics teaching in law degrees is much more variable. Whilst at least some practical experience in the legal profession is likely to be valuable to any academic teaching a subject within a law degree, it is not required to meet the TEQSA standards. As a result, whilst some legal academics have professional experience working as legal practitioners for a period of time, others have never practised law. McMillan and Lilley identify the “lack of experienced legal practitioners on law school faculties” as one constraint to the embedding of practical skills training in law degrees.²³¹

A.3 PLT

The *Uniform Law* defines “practical legal training” as either or both of the following: (a) legal training by participation in course work; (b) supervised legal training, whether involving articles of clerkship or otherwise.²³²

Section 17(1)(b) of the *Uniform Law* provides for the mandatory requirement of completion of PLT before a compliance certificate can be issued:²³³

- (1) The prerequisites for the issue of a compliance certificate in respect of a person are that he or she—
- (a) has attained the academic qualifications specified under the Admission Rules for the purposes of this section (the specified academic qualifications prerequisite); and

²²⁹ Letter dated 13 June 2025 from Sarah Breusch, Director, University of Newcastle Legal Centre to Justice Anthony Payne, 6-7.

²³⁰ Letter dated 10 June 2025 from Professor Anita Stuhmcke, Dean, Faculty of Law, UTS to the LPAB.

²³¹ James McMillan and Rob Lilley, “Why Isn’t All Legal Education Practical?” (2025) 3 *Western Australian Law Teachers Review* 49, 56.

²³² *Uniform Law*, s 6 (definition of “practical legal training”).

²³³ A compliance certificate is a necessary condition before an individual can be admitted to the Supreme Court of NSW: *Uniform Law*, s 16. It is issued pursuant to s 19 of the *Uniform Law*.

- (b) has satisfactorily completed the practical legal training requirements specified in the Admission Rules for the purposes of this section (the specified practical legal training prerequisite); and
- (c) is a fit and proper person to be admitted to the Australian legal profession.

The specific requirements for satisfying the PLT component are set out in the Admission Rules and the LACC PLT Competency Standards which are now set out in schedule 2 of the Admission Rules (the Competency Standards). The Competency Standards were jointly developed by the Australasian Practical Legal Education Council (APLEC) and LACC.²³⁴ They “sought to describe the observable performance in several key areas relating to legal practice, required of entry-level lawyers at the point of admission to the legal profession”.²³⁵

General requirements

The Admission Rules provide that applicants for admission must satisfy the LPAB that they have achieved the prescribed competence in the skills, values and practice areas as set out in the Competency Standards.²³⁶

The requirement may be satisfied by successfully completing either: (a) a PLT course conducted by a PLT provider accredited by the LPAB; or (b) supervised legal training in a workplace for a period of not less than 12 months, under a training plan approved by the LPAB, which the LPAB determines adequately provides for the trainee to satisfy the requirements.²³⁷ Note, however, that the Competency Standards provide that 15 days of workplace experience is the “minimum requirement”.²³⁸

Pursuant to the Competency Standards, every applicant for admission is required to have achieved the prescribed competence in the “Skills, Compulsory and Optional Practice Areas and Values” in each of the following areas:

Skills	<ul style="list-style-type: none"> • Lawyer’s Skills • Problem Solving • Work Management and Business Skills • Trust and Office Accounting
Compulsory Practice Areas	<ul style="list-style-type: none"> • Civil Litigation Practice • Commercial and Corporate Practice • Property Law Practice
Optional Practice Areas	Any two of: <ul style="list-style-type: none"> • Administrative Law Practice • Banking and Finance

²³⁴ See Law Admissions Consultative Committee (LACC) “Practical Legal Training Competency Standards for Entry-Level Lawyers (revised October 2017)” at 1, available at <<https://www.leocussen.edu.au/wp-content/uploads/2020/01/National-Competency-Standards-for-Entry-Level-Lawyers-July-2015-updated-2017.pdf>>.

²³⁵ *Ibid.*

²³⁶ Competency Standards, [3(1)].

²³⁷ *Ibid* [3(2)].

²³⁸ *Ibid* [5(a)(ii) and 5(b)(ii)].

	<ul style="list-style-type: none"> • Criminal Law Practice • Consumer Law Practice • Employment and Industrial Relations Practice • Family Law Practice • Planning and Environmental Law Practice • Wills and Estates Practice
Values	<ul style="list-style-type: none"> • Ethics and Professional Responsibility²³⁹

A Descriptor and the Elements and Performance Criteria for each of the above Practice Areas is set out in the Competency Standards.²⁴⁰ For example, in relation to “Administrative Law Practice” provides:

Administrative Law Practice

Descriptor: An entry-level lawyer who practises in administrative law should be able to:

- (a) obtain information for clients under freedom of information legislation and otherwise,
- (b) seek review of administrative decisions, and
- (c) represent parties before courts and administrative tribunals.

Element	Performance criteria
1. Obtaining information	<p>The lawyer has competently:</p> <ul style="list-style-type: none"> • identified whether “freedom of information” or “right to information” legislation applies to the situation. • identified the specific legislation under which the information may be obtained. • taken the steps required under that legislation. • identified and taken any other practical steps required to obtain the information.
2. Obtaining review of administrative decisions	<ul style="list-style-type: none"> • concluded correctly that the decision may be reviewed. • identified and advised the client, or participated in or observed discussions with the client, about alternative means of obtaining a review. • completed all preparation required by law, good practice and the circumstances of the matter. • represented the client effectively at, or participated in or observed, any mediation, hearing or other review forum, where this is appropriate and permitted. • identified all alternative means of obtaining redress and discussed them with the client.
3. Representing a client	<ul style="list-style-type: none"> • completed all preparation required by law, good practice and the circumstances of the matter.

²³⁹ Ibid [3].

²⁴⁰ Ibid Part 4 [11]-[26].

	<ul style="list-style-type: none"> represented the client effectively at, or participated in or observed, any mediation, hearing or other proceeding, where this is appropriate or permitted.
--	--

Explanatory notes—

This competency standard applies to both State and Federal administrative law and practice and to proceedings before both State and Federal courts and tribunals.

In the Performance criteria for Elements 2 and 3, “preparation” includes drafting written submissions.²⁴¹

The overlap between PLT and law degrees

As can be seen from the table of the Competency Standards for PLT set out above, the three Compulsory Practice Areas and the compulsory “Values” area have corollaries in the Priestley 11.²⁴² Most, if not all, accredited law schools would have approved compulsory or elective courses covering academic content (at least) in each of the Optional Practice Areas. As noted above, in the current scheme there is a something of an artificial and confusing separation of the “academic” study of the law from the “practical.” The intention appears to be that law students study the Priestley 11 and their law degree in an academic setting and the practice of the law in their PLT program. A consequence of this is that students may learn the academic content divorced from a clear understanding or demonstration of its practical application until several years later. Courses within a law degree need not be taught by academics with any experience in the legal profession or taught within the context of application in practice.

There has been some recent discussion of some aspects of Australian law degrees in *The Australian*.²⁴³ According to a report in that newspaper, Australian Catholic University Emeritus Professor Greg Craven (former Vice Chancellor of ACU, former Dean of Law and constitutional law professor) has expressed the view that Australian law students are “graduating without the ability to draft a contract but could wax lyrical about contract theory”, for example.²⁴⁴ If Craven was here talking about law degrees, whilst all law graduates should have been taught about the formal requirements of contracts and their formation, they may not have been asked to actually draft a contract as part of their assessment in their law degree. This is something that applicants for admission should, however have encountered in their PLT as the Compulsory Practice Areas include “Commercial and Corporate Practice.” In their PLT, each student is required to “conduct standard commercial transaction[s] such as the sale and purchase of a small business” and to have “drafted documents...according to law and good practice”.²⁴⁵ The fact that Craven later

²⁴¹ Ibid [11].

²⁴² See discussion in James McMillan and Rob Lilley, “Why Isn’t All Legal Education Practical?” (2025) 3 *Western Australian Law Teachers Review* 49, 57-58.

²⁴³ See e.g. Joanna Panagopoulos, “Uni law school acknowledges course ‘hijack’” *Weekend Australian* 22-23 March 2024, 3; Janet Albrechtsen, “Degrees depend on woke ideology,” *Inquirer, The Australian*, March 22-23, 2025, 18; Andrew Lynch, ‘Black-letter’ law alone doesn’t make for good lawyers,” *The Australian*, March 26, 2025; Noah Yim, “Dean for the defence of law school,” *The Australian*, March 26, 2025; The Editor, “Law school courses should not stray into ideology,” *The Australian*, March 26, 2025, 20.

²⁴⁴ Joanna Panagopoulos, “Uni law school acknowledges course ‘hijack’” *Weekend Australian* 22-23 March 2024, 3.

²⁴⁵ Competency Standards, [14].

refers to “a lawyer” being incapable of drafting a contract suggests that he considers that the totality of current education for lawyers is deficient although it is not entirely clear which part of the lawyer’s education he means to refer to. The report quotes Craven as saying that:

They’re skipping straight through black letter law straight into rights theory” [with the result] that “if you went to a lawyer to draft a contract, the lawyer would be incapable of drafting it but could give a good lecture about the theory of contracts. It’s happened over the past 30 years...and it has become extremely entrenched.”²⁴⁶

Whilst law degrees in Australia do have a strong doctrinal focus, being required to cover legal knowledge and technical skills,²⁴⁷ as McMillan and Lilley have observed:

There is already an impetus to embed practical skills in the foundational law degrees, For instance, the *Australian Law School Standards*²⁴⁸ require that (as a minimum) Australian law schools must endeavour to

...provide, so far as practicable, experiential learning opportunities for its students, including, but not limited to, clinical programs, internships, workplace experience, and pro bono community service.

Additionally, the Higher Education Threshold Standards require all Australian Universities (i.e., no limited to law schools) to demonstrate:

...engagement with employers, industry, and the professions in areas in which it offers courses of study. This engagement may include...work-integrated-learning. ²⁴⁹

Contrary to Craven’s view, McMillan and Lilley observe that;

Changes in legal education over the past 50 years ...include legal educators’ acceptance of the need to incorporate more practical skills training into LLB/JD studies, including through ‘authentic’ learning and assessment. The way in which students are taught in the 2020s is more practical when compared to 50 years ago.²⁵⁰

This view is supported by the discussions with Law Schools which have taken place in the course of preparing this Discussion Paper.²⁵¹ McMillan and Lilley support this approach arguing that law degrees should teach theory and practice and that a greater focus on practical skills development within law degrees “can be achieved as a natural extension of the significant role already played by law schools in preparing graduates for legal practice.”²⁵²

²⁴⁶ Joanna Panagopoulos, “Uni law school acknowledges course ‘hijack” *Weekend Australian* 22-23 March 2024.

²⁴⁷ Rob Lilley and Christina Do, “What Should An ‘Entry-Level Lawyer’ Look Like in a Post- COVID” World? (2022) 1 *Western Australian Law Teachers’ Review* 19, 21.

²⁴⁸ A set of standards for law degree set by CALD, available at <<https://cald.asn.au/the-australian-law-schools-standards/>>.

²⁴⁹ James McMillan and Rob Lilley, “Why Isn’t All Legal Education Practical?” (2025) 3 *Western Australian Law Teachers Review* 49, 53 (references omitted).

²⁵⁰ *Ibid* 55 (references omitted).

²⁵¹ See below.

²⁵² James McMillan and Rob Lilley, “Why Isn’t All Legal Education Practical?” (2025) 3 *Western Australian Law Teachers Review* 49, 54.

The Competency Standards also set out principles in relation to work experience, the qualification of instructors and supervisors, assessment and resilience and wellbeing in the profession. These include:

Qualification of instructors and supervisors:

A person instructing or supervising an applicant while acquiring competence in any Skill, Practice Area or Value must:

- (a) either have substantial current or recent experience in practising law; or
- (b) have comparable relevant qualifications or experience; and
- (c) comply with any other relevant legislative or regulatory requirements in the relevant jurisdiction.²⁵³

Assessment of applicants

Each form of PLT must employ comprehensive methods, appropriate to postgraduate training, of:

- (i) assessing an applicant's competence; and
- (ii) certifying whether or not an applicant has demonstrated the requisite level of competence,

in each relevant Skill, Practice Area and Value.²⁵⁴ Wherever practicable, an applicant's competence in any Practice Area should be assessed in a way that allows the applicant, at the same time, to further develop and to demonstrate competence in, relevant Skills and Values.²⁵⁵

Resilience and wellbeing

All PLT providers and SWT providers should:

- (a) make applicants aware of the importance of personal resilience in dealing with the demands of legal practice;
- (b) provide applicants with appropriate access to resources that will help them develop such resilience;
- (c) provide applicants with information about how and where to seek help in identifying mental health difficulties and in dealing with their effects;
- (d) make applicants aware of the benefits of developing and maintaining personal wellbeing in their professional and personal lives; and
- (e) provide applicants with information about how and where to find resources to help them develop and maintain such well-being.²⁵⁶

²⁵³ Competency Standards, [8].

²⁵⁴ *Ibid* [9(1)].

²⁵⁵ *Ibid* [9(2)].

²⁵⁶ *Ibid* [10].

Accreditation

Pursuant to s 29 of the *Uniform Law*, the designated local regulatory authority may accredit²⁵⁷ law degrees and providers of PLT in accordance with the Admission Rules. As a consequence, the LPAB has power to accredit or reaccredit law degrees (which it refers to as courses) and the power to accredit or reaccredit providers of PLT in accordance with the Admission Rules.²⁵⁸ The distinction between the accreditation role of the LPAB in accrediting degrees and accrediting, not PLT degrees or qualifications but, the providers of same should be noted. The *Uniform Law* contains no definition of the term “course” or “provider.”

PLT programs as post-graduate academic qualifications

PLT must be of at least 900 hours’ duration comprising at least 450 hours of programmed training and at least 15 days’ workplace experience.²⁵⁹ As noted above, the “level of training” must be “equivalent to post-graduate training and build on the academic knowledge, skills and values about the law, the legal system and legal practice which a graduate of a first tertiary qualification in law should have acquired.”²⁶⁰ It must be at a level appropriate for at least an AQF-8 qualification.²⁶¹ There is not however a requirement for PLT to be provided within the context of or result in the conferral of a, or any particular postgraduate qualification or degree on completion.

Commencement and Advanced Standing

Whilst PLT providers are required to maintain policies and procedures in relation to credit for prior learning in practice there are impediments to credit being granted for skills developed prior to commencement of PLT. Pursuant to the Competency Standards, an applicant may commence PLT:

- in the case of supervised workplace training, only after the applicant has completed an academic qualification in law, leading to admission to the legal profession²⁶²; and
- in the case of a PLT course that is not integrated with the applicant's academic qualification in law, only after the applicant has completed an academic qualification in law leading to admission to the legal profession, unless the applicant has no more than two academic subjects to complete: (i) neither of which is one of the Academic Requirements for admission; and (ii) for which the applicant must be enrolled while undertaking the PLT course, and the applicant has received the prior permission of the Admitting Authority to commence the PLT course.²⁶³ (emphasis added)

²⁵⁷ Admission Rules s 4 (definition of “accredit”): **accredit** a law course or a practical legal training provider includes accrediting or reaccrediting a course or provider (whether for a specified term or on a continuing basis).

²⁵⁸ *Uniform Law*, s 29.

²⁵⁹ Competency Standards, [5].

²⁶⁰ *Ibid* [7(1)].

²⁶¹ *Ibid* [7(2)].

²⁶² *Ibid* [4(1)(a)].

²⁶³ *Ibid* [4.1(b)].

Where the PLT is taught as a Graduate Diploma or Certificate it would, at least, be less likely that credit would be granted for studies in a law degree taught at a lower AQF level. This is because TEQSA requires that:

- providers should grant credit and qualifications in accordance with its organisational policies and the Australian Qualifications Framework (AQF); and
- providers must ensure grants of credit will still result in the student having:
 - engaged in advanced learning consistent with the study involved
 - achieved required learning outcomes.²⁶⁴

In their approach to granting credit for studies completed in law degrees, some PLT Providers are also concerned to avoid “double counting” by crediting work credited in a law degree and also doing so in their qualification.²⁶⁵ Together with the substantial volume of learning and mandated content that law degrees must contain, the fact that PLT Providers are required to teach students to master the Competency Standards and that PLT students must complete 15 days’ work experience after completion of their law degree and that students are not likely to obtain credit towards their PLT for skills gained in their law degree or for at least the first 15 days of any work experience gained in their law degree, is a disincentive – and certainly not an encouragement – for law degrees to include content, skill or work experience which PLT Providers are expected to cover.

Integrated programs permitted

The Competency Standards also permit a student to undertake an integrated program of academic study and PLT that requires the equivalent of 3 years’ full-time academic study of law, apart from the time required to undertake the PLT components of the program, and: (a) the academic study is part of a law course accredited, or deemed to be accredited, by the Board under rule 7, and (b) the PLT is conducted by a PLT provider accredited, or deemed to be accredited, by the LPAB under rule 7.²⁶⁶

Work experience

The Competency Standards provides as follows:

5	Programmed training and workplace experience
----------	---

PLT must comprise both programmed training and workplace experience as follows:

²⁶⁴ TEQSA, “Guidance Note: Credit and recognition of prior learning”, available at <<https://www.teqsa.gov.au/guides-resources/resources/guidance-notes/guidance-note-credit-and-recognition-prior-learning>>.

²⁶⁵ Meeting with Patrick Lewis, Marcus Martin and Tahlai Gordon of the College and Justice Payne, Justice Kirk, Wen T’sai Lim on 11 July 2025.

²⁶⁶ Competency Standards, [3.2].

(a)	subject to paragraph (d), in the case of a graduate diploma:
(i)	programmed training appropriate to a diploma that is equivalent to at least a Level 8 qualification under the Australian Qualifications Framework, <i>and</i>
(ii)	the equivalent of at least 15 days' workplace experience,
(b)	subject to paragraph (d), in the case of a training course other than a graduate diploma, the equivalent of at least 900 hours' duration, comprising:
(i)	at least 450 hours of programmed training, and
(ii)	at least 15 days' workplace experience,
(c)	in the case of SLT the equivalent of at least 12 months' full-time work which includes a minimum of at least 90 hours' programmed training,
(d)	For the purposes of paragraphs (a) and (b), one day comprises 7 working hours. ²⁶⁷

Whilst 15 days of workplace experience is the minimum requirement a PLT provider may require a student, as part of a PLT course, to undertake more than the minimum requirement of workplace experience. The LPAB has not prescribed or mandated, post the introduction of the *Uniform Law*, any number of workplace experience days to be provided. Whilst 75 days' work experience for PLT is not and has never been prescribed, under the *Uniform Law*, the previous *Legal Profession Act 2004* (NSW), or any policy document, the Law Society website currently suggests that "Workplace experience requires around 75 working days (15 weeks) of supervised experience in the delivery of legal services." Both the College and UTS required PLT students to undertake 80 days of work experience placement until 2015 when the LPAB Accreditation Committee resolved to approve proposals from both the College and UTS to reduce the practical experience placement from 80 to 75 days on 6 August 2015.²⁶⁸

Currently accredited PLT providers require a range of workplace experience as follows:

- The College requires PLT students to undertake 75 days of work experience or 15 days' work experience in conjunction with an additional 6 week-online program for which an additional course fee of \$1,690 is payable;
- UTS requires PLT students to undertake 65 days of work experience or 20 days' work experience;²⁶⁹
- Newcastle requires PLT students to undertake 285 hours (40 days) of legal professional workplace experience, with a minimum of 105 hours (15 days) of

²⁶⁷ Ibid [5].

²⁶⁸ *Notes and Recommendations of the Accreditation Sub-Committee – 6 August 2015.*

²⁶⁹ The LPAB accredited this on 19 February 2019.

placement undertaken at the University of Newcastle Legal Centre and 180 hours (25 days) of external placements in total;

- UNSW requires PLT students to undertake 8 weeks or 20 days of workplace experience;²⁷⁰
- Leo Cussen (which was accredited, conditionally, by the LPAB on 13 August 2024) requires 15 days' work experience.

As work experience forms part of the PLT mandated for admission, consistently with the requirements of the balance of PLT, unless the PLT is integrated with the applicant's accredited academic study of law, to form part of the PLT, work experience can be completed only after the applicant has completed an accredited law degree unless the applicant has no more than two academic subjects to complete.²⁷¹

This means that relevant work experience obtained whilst a student is studying their law degree or prior to commencing their formal PLT cannot be taken into account towards the mandatory workplace experience requirements. This presents something of a discouragement and disincentive for students to complete an internship (as part of a formal course of study or otherwise) or to seek work during the study of their law degree.

The LACC PLT Competency Standards also require that:

- (1) a student must undertake the minimum requirement within Australia and concurrently with or after completing the programmed training of the PLT course.²⁷²
- (2) On or after 1 July 2018, a student may only obtain credit for the minimum requirement if the student undertakes not less than
 - (a) 2 full days of workplace experience per week; or
 - (b) 4 x 4 hour sessions of workplace experience per week.²⁷³

Whilst these requirements do not appear in the *Admission Rules* they are informing the practice of PLT providers. Admission Rule 7(2) requires the LPAB to take into account any appraisal criteria for course endorsed for use in other Australian jurisdictions and these requirements may be taken into account by the LPAB in its consideration of PLT accreditation for PLT providers.

The LACC Standards for PLT Workplace Experience also provide, in relation to the workplace experience requirements for PLT, that the minimum of 15 days' workplace experience can only be undertaken "concurrently with or after completing the programmed training of the PLT

²⁷⁰ The LPAB accredited this on 19 February 2019.

²⁷¹ *Admission Rule*, r 4(1)(b).

²⁷² LACC *Practical Legal Training Competency Standards for Entry-Level Lawyers* at [4.2(c)], available at <<https://legalservicescouncil.org.au/documents/PLT-competency-standards-for-entry-level-lawyers-Oct-2017.pdf>>.

²⁷³ LACC *Practical Legal Training Competency Standards for Entry-Level Lawyers* at [4.2(d)], available at <<https://legalservicescouncil.org.au/documents/PLT-competency-standards-for-entry-level-lawyers-Oct-2017.pdf>>.

Course.”²⁷⁴ These Standards also provide that, where a PLT provider grants credit for additional workplace experience, only that workplace experience component of the program can attract credit if it was completed whilst the student was enrolled in a law degree and completed as part of that course or in a supervised placement in a legal office in a law or law related workplace or after completion of the law degree prior to commencement of PLT.²⁷⁵

ACAP University College (ACAP) which has applied for approval as a PLT Provider to provide a GDLP in NSW, has indicated that, whilst it would not provide credit for work experience, completed prior to commencement of study in their program towards the minimum workplace requirement of 15 days, it would do so for the additional workplace experience required for its program in accordance with the LACC Standards for PLT Workplace Experience.

There is not currently a direct connection between the work experience requirement of PLT and the balance of PLT. Students may or may not encounter areas of study which form part of their formal PLT when they are simultaneously completing their work experience.

Work experience required to complete PLT may or may not be paid. Whilst the interim chair of the Australian Tertiary Education Commission, Mary O’Kane has indicated that she would like to see it extended, the Commonwealth Prac Payments of \$320 a week, which commenced on 1 July, 2025 only applies to teaching, nursing, midwifery and social work students.²⁷⁶ There appear to be particular challenges for regional law firms to attract and retain staff which might be ameliorated to some extent if financial support could be made available to students completing work experience regionally, even if it cannot be made available more broadly. The Law Society has issued a Fact Sheet in relation to Legal Internships in NSW.²⁷⁷ It includes the following:

Law students, graduates or new lawyers should not be offered unpaid work experience outside of lawfully unpaid vocational placements or a genuine volunteer arrangement.

Employers may engage interns for the following reasons:

1. To give a person experience in a job or industry.
2. To test a person’s job skills to retain for future employment.
3. To make a positive impact on the local community.
4. To build networks with local universities and increase brand recognition.

LEGAL FRAMEWORK

Unpaid internships are not illegal if they are part of a vocational placement or if an employment relationship does not exist. Vocational placement. Under the *Fair Work Act 2009* (Cth), which

²⁷⁴ LACC Standards for PLT Workplace Experience, [7(3)].

²⁷⁵ LACC Standards for PLT Workplace Experience, [7(6)].

²⁷⁶ Natasha Bitá, “Prac payments push for all students,” (The Australian, Higher Education, 21 May 2025) 25.

²⁷⁷ The Law Society of NSW, “Fact Sheet: Legal Internships in NSW” (Website, 27 September 2021), available at <https://www.lawsociety.com.au/sites/default/files/2021-09/LS3032_PAP_LegalInternshipFactsheet_2021-09-27.pdf>.

covers most Australian workplaces, a vocational placement can be lawfully unpaid if the following criteria are satisfied:

1. the person is not entitled to receive remuneration
2. the placement must be completed as a requirement of an education or training course; and
3. the course must be one that is government approved, i.e. the institution delivering the course must be authorised under an Australian state or territory law.

Practical Legal Training undertaken to attain a Graduate Diploma of Legal Practice falls within the ambit of vocational placement.

The existence of an employment relationship depends on the facts of each case. Where the unpaid legal intern receives the main benefit, it is less likely to be considered an employment relationship.... An unpaid internship will be unlawful if there is an employment relationship.

Taking into account the PLT Survey results and other feedback obtained as part of this review of PLT, the LPAB has determined that it would require all PLT providers in NSW to provide only the minimum requirement of 15 days' workplace experience going forward.

A.4 AQF levels and the currently offered PLT qualifications

Whilst the *Uniform Law* provides for the accreditation of PLT providers, it says nothing about PLT being provided within any academic qualification or degree. The Competency Standards require that "PLT must be provided at a level equivalent to post-graduate training and build on the academic knowledge, skills and values about the law, the legal system and legal practice which a graduate of a first tertiary qualification should have acquired in the course of that qualification."²⁷⁸

However, whilst the Competency Standards and the Admission Rules recognise that PLT may be provided in a graduate diploma at AQF Level 8²⁷⁹ they do not require it. The Standards and Rules relevantly provide for two ways in which PLT can be provided. To quote [4.1] of the LACC PLT Competency Standards:

PLT must comprise both programmed training and workplace experience as follows:

(a) subject to paragraph (d), in the case of a graduate diploma:

- (i) programmed training appropriate to such a diploma; and
- (ii) the equivalent of at least 15 days' workplace experience;

(b) subject to paragraph (d), in the case of a training course other than a graduate diploma, the equivalent of at least 900 hours' duration, comprising:

²⁷⁸ Competency Standards, [7(1)].

²⁷⁹ Ibid [5(a)].

- (i) at least 450 hours of programmed training; and
- (ii) at least 15 days' workplace experience; ...

The formulation of option (a) in the Competency Standards is somewhat different (emphasis added):

PLT must comprise both programmed training and workplace experience as follows—

(a) subject to paragraph (d), in the case of a graduate diploma—

- (i) programmed training appropriate to a diploma *that is equivalent to at least a Level 8 qualification under the Australian Qualifications Framework*, and
- (ii) the equivalent of at least 15 days' workplace experience...²⁸⁰

On this formulation, a reasonable argument appears to be available that what is required is a level of programmed training equivalent to at least an AQF level 8 qualification, but that the term “graduate diploma” is not otherwise used as a term of art. On that understanding, a graduate certificate at AQF level 8 or indeed a level of programmed training equivalent to – but not resulting in an AQF Level 8 qualification would also be acceptable. UTS has in fact been accredited to provide PLT by way of such a graduate certificate, undertaken together with a law degree.

In NSW, each accredited PLT provider has opted to provide PLT in a formal academic graduate certificate or diploma or combined degree context.²⁸¹ That may be so in order that students may potentially access Commonwealth support in the form of a CSP and a FEE-HELP loan. This does not ensure that every student completing PLT will qualify for FEE-HELP because some will study their PLT or GDLP at a tertiary institution which does not allocate CSPs to that degree or come to PLT after already accumulating a HECS debt at the maximum any student can access.²⁸² For most students this was \$126,839 for 2025.²⁸³

The present offerings are: (1) *Graduate Diploma* or *Graduate Certificate* or with PLT embedded in a *Bachelor of Laws (Honours)* (Newcastle); or (2) *Bachelor of Laws* or *Bachelor of Laws (Honours)* (UTS). UTS has also received LPAB approval to offer a *Bachelor of Laws and Legal Practice* (when combined with another Bachelor degree in another discipline).²⁸⁴ These qualifications sit within the AQF.²⁸⁵ The terminology currently used by accredited providers suggests that students all complete their PLT at AQF level 8 either leading to a standalone qualification (a *Graduate Diploma* or *Graduate Certificate*) or embedded within an undergraduate double degree with the

²⁸⁰ Ibid [5].

²⁸¹ Australian Government, *HECS-HELP* (Website), available at <<https://www.studyassist.gov.au/financial-and-study-support/hecs-help#>>.

²⁸² Australian Government – Department of Education, *Higher Education Loan Program (HELP)*, available at <<https://www.education.gov.au/higher-education-loan-program>>.

²⁸³ Australian Government, *Your borrowing Limit* (Website), available at <<https://www.studyassist.gov.au/loan-eligibility/your-borrowing-limit>>.

²⁸⁴ At the LPAB meeting held on 13 June 2024.

²⁸⁵ Australian Qualifications Framework, *AQF Qualifications* (Website), available at <<https://www.aqf.edu.au/framework/aqf-qualifications>>.

*Bachelor of Laws (Honours)*²⁸⁶ at the Newcastle²⁸⁷ or a *Bachelor of Laws* or *Bachelor of Laws (Honours)* (and in the future at *Bachelor of Laws and Legal Practice* in combination with another Bachelor's degrees) at UTS. Postgraduate qualifications such as a *Graduate Diploma* or *Graduate Certificate* commonly attract higher fees. The relevant AQF levels for a Bachelor's degree, *Graduate Diploma* and *Graduate Certificate* are set out below:

AQF Level 7 – Bachelor

The purpose of the Bachelor Degree qualification type is to qualify individuals who apply for a broad and coherent body of knowledge in a range of contexts to undertake professional work and a pathway for further learning.

Bachelor qualifications are located at level 7 of the Australian Qualifications Framework.

Bachelor Degree qualifications must be designed and accredited to enable graduates to demonstrate the learning outcomes expressed as knowledge, skills and the application of knowledge and skills specified in the level 7 criteria and the Bachelor Degree descriptor.

AQF Level 8 criteria for the Graduate Certificate

The purpose of the Graduate Certificate qualification type is to qualify individuals who apply a body of knowledge in a range of contexts to undertake professional or highly skilled work and as a pathway for further learning. Graduate Certificate qualifications are located at level 8 of the Australian Qualifications Framework.

Graduate Certificate qualifications must be designed and accredited to enable graduates to demonstrate the learning outcomes expressed as knowledge, skills and the application of knowledge and skills specified in the level 8 criteria and the Graduate Certificate descriptor.

Graduate Certificate qualifications are available for accreditation and issuance in both higher education and vocational education and training. Full qualification type specification

AQF Level 8 criteria for the Graduate Diploma

The purpose of the Graduate Diploma qualification type is to qualify individuals who apply a body of knowledge in a range of contexts to undertake professional or highly skilled work and as a pathway for further learning.

Graduate Diploma qualifications are located at level 8 of the Australian Qualifications Framework.

Graduate Diploma qualifications must be designed and accredited to enable graduates to demonstrate the learning outcomes expressed as knowledge, skills and the application of knowledge and skills specified in the level 8 criteria and the Graduate Diploma descriptor.

²⁸⁶ An AQF Level 8 degree.

²⁸⁷ University of Newcastle, *Bachelor of Laws (Honours) / Diploma of Legal Practice* (Website), available at <<https://www.newcastle.edu.au/degrees/bachelor-of-laws-honours-diploma-of-legal-practice>>.

Graduate Diploma qualifications are available for accreditation and issuance in both higher education and vocational education and training.²⁸⁸

The relevant knowledge, skills and the application of knowledge and skills for AQF levels 7 and 8 are set out below:

AQF level 7 criteria

Summary

Graduates at this level will have broad and coherent knowledge and skills for professional work and/or further learning.

Knowledge

Graduates at this level will have broad and coherent theoretical and technical knowledge with depth in one or more disciplines or areas of practice.

Skills

Graduates at this level will have well-developed cognitive, technical and communication skills to select and apply methods and technologies to:

- analyse and evaluate information to complete a range of activities
- analyse, generate and transmit solutions to unpredictable and sometimes complex problems
- transmit knowledge, skills and ideas to others

Application of knowledge and skills

Graduates at this level will apply knowledge and skills to demonstrate autonomy, well-developed judgement and responsibility

- in contexts that require self-directed work and learning
- within broad parameters to provide specialist advice and functions.

AQF level 8 criteria

Summary

Graduates at this level will have advanced knowledge and skills for professional or highly skilled work and/or further learning.

Knowledge

²⁸⁸ Australian Qualifications Framework, *AQF Qualifications* (Website), available at <<https://www.aqf.edu.au/framework/aqf-qualifications>>.

Graduates at this level will have advanced theoretical and technical knowledge in one or more disciplines or areas of practice

Skills

Graduates at this level will have advanced cognitive, technical and communication skills to select and apply methods and technologies to:

- analyse critically, evaluate and transform information to complete a range of activities
- analyse, generate and transmit solutions to complex problems
- transmit knowledge, skills and ideas to others

Application of knowledge and skills

Graduates at this level will apply knowledge and skills to demonstrate autonomy, well-developed judgement, adaptability and responsibility as a practitioner or learner.

Different AQF levels also require different volumes of learning with the usual duration of a *Graduate Certificate* being 0.5-1 year and the usual duration of a *Graduate Diploma* being 1-2 years.²⁸⁹ TEQSA has responsibility for ensuring compliance with the requirement that the learning outcomes of the qualifications are consistent with the AQF level of that qualification,²⁹⁰ This means that, if PLT requirements are changed, any currently accredited provider would need to ensure that the qualification they deliver continued to meet the relevant AQF. TEQSA will also check that academic staff are appropriately qualified in the relevant discipline to:

- (1) at least one level higher than the AQF qualification level being taught. To satisfy this requirement to teach into a level 7 *Bachelor of Laws* the relevant Academic must hold at least an AQF level 8 degree such as a *Bachelor of Laws (Honours)*, *JD*, *Graduate Diploma* or *Graduate Certificate*. To satisfy this requirement to teach into a level 8 *Graduate Diploma* or *Graduate Certificate* the relevant Academic must hold at least an AQF level 9 degree such as a *Master of Laws* or a *Juris Doctor*; or
- (2) that they have equivalent professional experience, as required in Standard 3.2.3 of the HES Framework.²⁹¹

Whilst at least some practical experience in the legal profession is likely to be valuable to any academic teaching a subject within a law degree, it is important – if not critical – that those teaching PLT have relevant current practical experience. Structuring the PLT within a qualification structure at a particular AQF level – particularly at an AQF level 8 – may make it more difficult to attract staff with a qualification above that qualification leading the higher education provider to need to consider whether staff who do not meet that criteria might satisfy the

²⁸⁹ The Australian Qualifications Framework, (AQF, 2nd ed, January 2013), available at <<https://www.aqf.edu.au/download/405/aqf-second-edition/3/aqf-second-edition/pdf>>.

²⁹⁰ Australian Qualifications Framework, AQF Qualifications (Website), available at <<https://www.aqf.edu.au/framework/aqf-qualifications>>.

²⁹¹ Ibid.

“equivalent professional experience” qualification. The fact that the PLT is on its very essence “practical” does not exclude it from TEQSA’s requirements:

TEQSA recognises that in fields of education that are professionally focused, emergent academic disciplines or highly professional specialist subjects within a discipline, a policy may allow for some flexibility in its application while maintaining the robustness of the policy intent. However, TEQSA would expect that where an individual staff member may not yet strongly meet all of the criteria outlined in the policy, there would be an explicit and time-limited professional development plan, or other strategies put in place such as mentoring or team teaching, to enable the individual to make the transition to academic teaching successfully. In the case where teachers are engaged on a continuing basis to teach specialised components of a course because of their specialised expertise, but do not fully meet the general requirements of Standard 3.2.3, they are supervised by staff who do meet the requirements (see Standard 3.2.4).²⁹²

Whilst the *Admission Rules* contemplate that PLT may be offered within or outside a *Graduate Diploma*²⁹³ the LACC PLT Competency Standards require that “PLT must be provided at a level equivalent to post-graduate training.”²⁹⁴ The result in NSW at the moment is that all accredited providers provide PLT in a standalone graduate diploma, graduate certificate or embedded in a law degree taught at AQF level 8.

A.5 The statutory condition of supervised legal practice

Following successful completion of a law degree and PLT, and then admission, a practising certificate issued to an applicant by the Law Society Council will contain a statutory condition that permits practice only in supervised legal practice.²⁹⁵ This condition will remain until the holder has completed 2 years of supervised legal practice required and will appear as condition 2 on such a practising certificate. The *Uniform Law* provides that “supervised legal practice” means legal practice by a person who is an Australian lawyer who holds a current Australian practising certificate:

- (a) as an employee of, or other person working under supervision in, a law practice, where:
 - (i) at least one legal practitioner associate of the law practice is an authorised principal; and
 - (ii) the person engages in legal practice under the supervision of an authorised principal referred to in subparagraph (i); or

²⁹² Australian Government – TEQSA, *Guidance note* (Website, version 2.2), available at <<https://www.teqsa.gov.au/guides-resources/resources/guidance-notes/guidance-note-determining-equivalence-professional-experience-and-academic-qualifications>>.

²⁹³ Rules Part 3 Requirements for each form of PLT Sch 2 cl 7(2) – see [7] above.

²⁹⁴ LACC PLT Competency Standards, [4.4]. See also Competency Standards, [5]

²⁹⁵ *Uniform Law*, s 49(1).

- (b) as a principal of a law practice (other than a community legal service), where the person engages in legal practice under the supervision of an authorised principal of the law practice; or
- (c) as a corporate legal practitioner or government legal practitioner, where the person engages in legal practice under the supervision of a person who holds, or is eligible to hold but is exempted from holding, an Australian practising certificate authorising the holder to supervise legal practice by others; or
- (d) in a capacity or in circumstances specified in the Uniform Rules for the purposes of this definition.²⁹⁶

The *Australian Solicitors' Conduct Rules 2015* (NSW) provide that:

[a] solicitor with designated responsibility for a matter must exercise reasonable supervision over solicitors and all other employees engaged in the provision of the legal services for that matter.²⁹⁷

Whilst the legal profession legislation does not define “reasonable supervision” some guidance is provided by *Legal Services Commissioner v Michael Vincent Baker* [2005] LPT 002 [42], where it was held that:

A practitioner should properly supervise all legal professional work carried out on their behalf. Vicarious liability aside, a practitioner’s legal and fiduciary duties to a client are not avoided or reduced by delivering that client into the care of an employee, whether or not that employee is legally qualified. The supervision required however varies according to the employee’s experience, qualifications and role and with the type and complexity of the work.

Further guidance is provided by the Law Society website as follows:

It is suggested that a reasonable step to take is to have in place strong compliance management systems, guidelines, and tools appropriate for the particular practice. Effective management systems facilitate consistent standards of supervision to ensure clients do not receive legal services sub-standard to that which they would receive if the principal him or herself had carriage of the matter.²⁹⁸

A.6 Practice Management Course

If a solicitor wishes to engage in legal practice as a principal of a law practice, in addition to the removal of the supervised legal practice condition on their practising certificate, they must complete an accredited PMC that meets guidelines set by the Law Society of NSW.²⁹⁹ The Law Society’s PMC is intended to teach participants “how to run an efficient and cost effective practice by employing business management skills, quality systems, and informed leadership

²⁹⁶ *Uniform Law*, s 6.

²⁹⁷ *Australian Solicitors' Conduct Rules 2015* (NSW), r 37.

²⁹⁸ Law Society of New South Wales, *Supervised Legal Practice* (Website), available at <<https://www.lawsociety.com.au/practising-law-in-NSW/working-as-a-solicitor-in-NSW/supervised-legal-practice>>.

²⁹⁹ Practice Management Course (Discretionary Condition) (s 53 *Legal Profession Uniform Law* s53) and *Legal Profession Uniform General Rules 2015*) r 16(b)(ii).

strategies.”³⁰⁰ It has three components: pre-program topics, three day program and self-guided topics. The pre-program topics and related activities are completed online prior to the three-day program and are intended to help participants for the three day program. The three-day program in two formats:

- (1) **Blended learning:** this takes place over three face-to-face days and includes activities and readings completed online during that time.
- (2) **Online:** this involves three full-day sessions completed online including a program of interactive live webinars and online activities and readings.

Students can completed several self-guided topics including the Trust Accounts Final Exam.

To pass the PMC, participants must attend the three-day program (either online or face-to-face) and complete all pre-program and self-guided topics, including the Trust Accounts Final Exam.³⁰¹

The LPAB has been informed by the Law Society CEO that the PMC is being reviewed

A.7 Continuing Professional Development

Once admitted, solicitors have a statutory condition on all Australian practising certificates to complete CPD requirements.³⁰² Each year, once admitted all solicitors must complete 10 CPD units – equating to 10 hours – including at least 1 CPD unit in each of:

- Ethics and professional responsibility;
- Practice management and business skills;
- Professional skills; and
- Substantive law.³⁰³

These obligations do not vary with experience or require any focus on ethics, skills or areas of law directly relevant to that lawyer. CPD units can comprise a range of activities including seminars, workshops, lectures, conferences, discussion groups, multimedia or web-based programs, private study of audio/visual material, postgraduate study, research, preparation and editing of articles, membership and attendance at committees of professional bodies, successful completion of specialist accreditation assessment process, and the preparation and presentation of seminars.³⁰⁴

³⁰⁰ Law Society of New South Wales, *Lawinform – Practice Management Course* (Website), available at <<https://www.lawsociety.com.au/professional-development/CPD/practice-management-course>>.

³⁰¹ *Ibid.*

³⁰² *Uniform Law s 52* requires the certificate holder to comply with the *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 (NSW) (CPD Rules)*.

³⁰³ *CPD Rules*, r 6.

³⁰⁴ *CPD Rules*, r 8.

A.8 Accreditation as a specialist/ study in specialist areas

Solicitors are not required to obtain Specialist Accreditation, to study particular law electives in their law degree, PLT or to undertake postgraduate study in a particular practice area in order to practice in any particular practice area. These are all currently existing options for student or lawyers to develop their understanding of particular areas of practice.

Specialist Accreditation

Whilst not mandated as a requirement to practice in any specific area or to take on the role of principal in any particular area, those lawyers who fulfil the requirements of a Specialist Accreditation Program are then able to use the term ‘Accredited Specialist’ in the nominated area of practice after their name. The Law Society website states that:

Specialist Accreditation is a structured peer assessment program which enable practitioners to gain recognition as an expert in their chosen area of practice. Specialist Accreditation helps the general public and profession identify solicitors who have demonstrated expertise in a particular area of law. The Specialist Accreditation Program aims to:

- Provide the profession and the public with a reliable means of identifying practitioners with proven expertise in their chosen area of practice;
- Contribute to and encourage the continued development and improvement of the standards, quality and delivery of legal services;
- Promote the advancement of legal education, knowledge and skills; and
- Provide practitioners with the opportunity to demonstrate their expertise in their chosen area of practice and to have this recognised.³⁰⁵

Only solicitors with at least 5 years full-time experience, who have practiced in the relevant area for at least 25% of their full-time practice in the prior three years, may participate in the program.³⁰⁶ Advisory Committees have been created in each area of practice, within the Specialist Accreditation Program, and those committees plan and develop the program assessments and report to the Law Society’s Specialist Accreditation Board regarding results, processes, and techniques.³⁰⁷ There are currently 6 areas in which eligible practitioners may apply for Specialist Accreditation:

- Business Law;
- Commercial Litigation;

³⁰⁵ Law Society of New South Wales, *Specialist Accreditation: About the Program* (Website), available at <<https://www.lawsociety.com.au/specialist-accreditation/about>>.

³⁰⁶ Ibid.

³⁰⁷ Ibid.

- Criminal Law;
- Family Law;
- Property Law; and
- Wills & Estates.³⁰⁸

Other study in specialist areas

Within law degrees or as standalone courses

In addition to courses which are mandated for completion in law degrees, of which courses covering the Priestley 11 form part, law degrees include a number (which varies between degrees) of law electives which students can choose to study. Whilst not mandated as a requirement to practice in any specific area, or to take on the role of principal in any particular area, some students choose to study some or all of their law electives in subject areas which are directly relevant to the area of law in which they are working or intend to work – such as, for example, family law, insurance law, insolvency law, migration law, competition law, environmental and planning law, intellectual property, or succession. Electives may also include advanced study building on Priestley 11 subjects, such as with respect to torts, contracts, administrative and constitutional law. Whilst not mandated as a requirement to practice in any specific area or to take on the role of principal in any particular area, subject to the admission rules of particular universities, students may also choose to study additional law elective courses, separate to their law degree, in areas in which they are interested, practice in or hope to practice in, which are otherwise offered as part of a law degree or a postgraduate degree (see below). Law schools may also offer the opportunity to develop knowledge and skills by completing microcredentials. A microcredential is “a certification of assessed learning or competency, with a minimum volume of learning of one hour and less than an AQF award qualification, that is additional, alternate, complementary to or a component part of an AQF award qualification.”³⁰⁹

Postgraduate

Some lawyers complete other postgraduate study in a particular practice area in order to practice – such as a general *Master of Laws (by coursework)* (LLM) enabling the development of knowledge in a range of areas, a specialist *Graduate Certificate, Diploma* or *Master of Laws (by coursework)* or other specialist postgraduate degrees or postgraduate research degrees focusing on a specific area of law or discipline area. Graduates of postgraduate degrees of this kind are able to note that qualification after their name. The College and many universities such as the University of Sydney, for example, offer such options.

³⁰⁸ Law Society of New South Wales, *Specialist Accreditation: 2025 Specialist Accreditation Program* (Website), available at <<https://www.lawsociety.com.au/specialist-accreditation/2025-specialist-accreditation-program>>.

³⁰⁹ Australian Government, Department of Education, Skills and Employment, “National Microcredentials Framework” November 2021, available at <<https://www.education.gov.au/download/13591/national-microcredentials-framework/26500/document/pdf>>.

For example, the College offers *Graduate Certificate*, *Diploma* or LLMs in areas such as Business Law and Transactions, Commercial Litigation, Dispute Resolutions, Family Dispute Resolution Practice, Family Law, Government and Public Sector Law, In-House Practice International Arbitration, Wills and Estates, Estate Planning, ASEAN+6 Legal Practice, Property Law and Legal Business Management.³¹⁰ The University of Sydney offers *Graduate Diplomas and LLMs* in specialist areas such as Business Law, Criminology, Environmental Law, Health Law, International Law, Labour Law and Relations and Taxation.³¹¹ Other universities offer general LLMs and postgraduate studies in multidisciplinary areas in which lawyers practice. For example, The University of Notre Dame Australia (Notre Dame) offers a general LLM,³¹² a *Graduate Certificate*, *Diploma* and *Masters in Modern Slavery and Human Trafficking*³¹³ and a *Masters in Bioethics*.³¹⁴

A.9 Admission to the NSW Bar

An aspiring barrister must be admitted as a lawyer of the Supreme Court of NSW, or another Australian state or territory, before applying for a NSW barrister's practising certificate. To obtain such a certificate requires successful completion of examinations set by the New South Wales Bar Association. NSW barrister's practising certificate require the successful completion of the four week (full time) Bar Practice Course and a reading program for 12 months under the supervision of one or more tutors.³¹⁵

A.10 Barrister's CPD obligations

Like NSW solicitors, barristers practising in NSW, are subject to CPD requirements.³¹⁶ With some exceptions, barristers must earn at least ten CPD points in a practising year. CPD points can be earned through completion of a wide range of activities, including seminars, conferences, webinars, mentoring opportunities, and other relevant events.³¹⁷

³¹⁰ College of Law, *Postgraduate Programs* (Website), available at <<https://tinyurl.com/CollegeofLawPGPrograms>>.

³¹¹ University of Sydney, *Master of Laws* (Website), available at <<https://www.sydney.edu.au/law/study-law/postgraduate/masters.html>>.

³¹² University of Notre Dame Australia, *Master of Law* (Website), available at <<https://www.notredame.edu.au/programs/school-of-law/postgraduate/master-of-laws-coursework>>.

³¹³ University of Notre Dame Australia, *Graduate Certificate in Modern Slavery and Human Trafficking* (Website), available at <<https://www.notredame.edu.au/programs/school-of-law/postgraduate/graduate-certificate-in-modern-slavery-and-human-trafficking>>.

³¹⁴ University of Notre Dame Australia, *Master of Bioethics* (Website), available at <<https://www.notredame.edu.au/programs/school-of-medicine/postgraduate/master-of-bioethics>>.

³¹⁵ NSW Bar Association, *Practising Certificates* (Website), available at <<https://nswbar.asn.au/bar-standards/practising-certificates>>.

³¹⁶ *Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015* (NSW).

³¹⁷ NSW Bar Association, *Professional Development* (Website), available at <<https://nswbar.asn.au/bar-standards/professional-development>>.

Attachment B: The Current Priestley 11

Criminal Law and Procedure

Either the following topics:

- (a) The definition of crime
- (b) Elements of crime
- (c) Aims of the criminal law
- (d) Homicide and defences
- (e) Non-fatal offences against the person and defences
- (f) Offences against property
- (g) General doctrines
- (h) Selected topics chosen from:
 - (i) attempts
 - (ii) participation in crime
 - (iii) drunkenness
 - (iv) mistake
 - (v) strict responsibility,
- (i) Elements of criminal procedure.

Selected topics chosen from:

- (a) classification of offences
- (b) process to compel appearance
- (c) bail
- (d) preliminary examination
- (e) trial of indictable offences,

or topics of such breadth and depth as to satisfy the following guidelines:

The topics should provide knowledge of the general doctrines of the criminal law and, in particular, examination of both offences against the person and against property. Selective treatment should also be given to various defences and to elements of criminal procedure.

Torts

Either the following topics:

- (a) Negligence, including defences
- (b) A representative range of torts (other than negligence) and their defences
- (c) Damages
- (d) Concurrent liability
- (e) Compensation schemes,

or topics of such breadth and depth as to satisfy the following guidelines:

The potential compass of this area is so large that considerable variation might be anticipated. At the very least, there should be a study of negligence and of a representative range of torts, with some consideration of defences and damages, and of alternative methods of providing compensation for accidental injury. Examples of these topics are: concurrent liability, defamation, economic torts, nuisance, breach of statutory duty and compensation schemes.

Contracts

Either the following topics:

- (a) Formation, including capacity, formalities, privity and consideration
- (b) Content and construction of contract
- (c) Vitiating factors
- (d) Discharge
- (e) Remedies

- (f) Assignment,

or topics of such breadth and depth as to satisfy the following guidelines:

Some variation may be expected in the breadth and detail of the topics. In general, however, knowledge of the formal requirements for concluding contracts, capacity, the content and interpretation of contracts, their performance and discharge, and available remedies, together with an understanding of the broad theoretical basis of contract would be expected.

Property

Either the following topics:

- (a) Meaning and purposes of the concept of property
- (b) Possession, seisin and title
- (c) Nature and type (ie fragmentation) of proprietary interests
- (d) Creation and enforceability of proprietary interests
- (e) Legal and equitable remedies
- (f) Statutory schemes of registration
- (g) Acquisition and disposal of proprietary interests
- (h) Concurrent ownership
- (i) Proprietary interests in land owned by another
- (j) Mortgages,

or topics of such breadth and depth as to satisfy the following guidelines:

The topics should provide knowledge of the nature and type of various proprietary interests in chattels and land, and their creation and relative enforceability at law and in equity. Statutory schemes of registration for both general law land and Torrens land should be included. A variety of other topics might be included, eg, fixtures, concurrent interests and more detailed treatment of such matters as sale of land, leases, mortgages, easements, restrictive covenants, etc.

Equity

- (1) The following topics:
- (a) The nature of equity
 - (b) Equitable rights, titles and interests
 - (c) Equitable assignments
 - (d) Estoppel in equity
 - (e) Fiduciary obligations
 - (f) Unconscionable transactions
 - (g) Equitable remedies
- (2) Either Trusts, with particular reference to the various types of trusts and the manner and form of their creation and variation. The duties, rights and powers of trustees should be included, as should the consequences of breach of trust and the remedies available to, and respective rights of, beneficiaries. (It is expected that about half the course will be devoted to trusts), or Topics of such breadth and depth as to satisfy the following guidelines:
- The topics should cover the elements of trust law, equitable doctrines apart from those relating to trusts, and equitable remedies. The following aspects of trust law should be dealt with: various kinds of trusts; the rights, duties and powers of trustees; the consequences of breach of trust. Apart from trusts, the following equitable doctrines might be covered, for example, fiduciary obligations, equitable assignments, unconscionability and confidential information. The remedies of specific performance, injunction, declaration and damages in equity should be included. (It is expected that about half the course will be devoted to trusts.)

Company Law

Either the following topics:

- (a) Corporate personality
- (b) The incorporation process
- (c) The corporate constitution
- (d) Company contracts
- (e) Administration of companies and management of the business of companies

- (f) Duties and liabilities of directors and officers
- (g) Share capital and membership
- (h) Members' remedies
- (i) Company credit and security arrangements
- (j) Winding up of companies,

or topics of such breadth and depth as to satisfy the following guidelines:

The topics should include an analysis of incorporation and its effects, management and control of a company, the various methods of financing—by the issue of shares and by debt—and the processes of winding up a company.

Administrative Law

Either the following topics:

- (a) Organisation and structure of the administration
- (b) Administrative law theory
- (c) Common law and statutory avenues of judicial review at Commonwealth and State level
- (d) Grounds of judicial review
- (e) Remedies
- (f) Crown immunity
- (g) Administrative Appeals Tribunal
- (h) Statutory review
- (i) Freedom of information,

or Topics of such breadth and depth as to satisfy the following guidelines:

The topics should not only embrace traditional common law remedies concerning judicial review of administrative action, but should also cover the range of Commonwealth and State statutory regimes.

Federal and State Constitutional Law

Either the following topics:

- (a) State constitutions and constitutional systems
- (b) The Commonwealth Constitution and constitutional system
- (c) The constitution and operation of the legislature, executive and judiciary
- (d) The relationship between the different institutions of government and the separation of powers
- (e) The relationship between the different levels of government,

or topics of such breadth and depth as to satisfy the following guidelines:

The topics should include knowledge of the major principles of both the relevant State or Territory Constitution and the Commonwealth Constitution, including the relations between the different Commonwealth and State or Territory laws. A general knowledge of the scope of both State or Territory and Commonwealth Constitutions is required, although the topics will differ in the depth of treatment of specific heads of power, particularly in the Commonwealth sphere.

Civil Dispute Resolution

Either the following topics:

- (a) Court adjudication under an adversary system
- (b) The cost of litigation and the use of costs to control litigation
- (c) Service of originating process—as foundation of jurisdiction, including service out of the relevant State or Territory and choice of forum
- (d) Joinder of claims and parties, including group proceedings and the defence of prior adjudication as instances of the public interest in avoiding a multiplicity of proceedings and inconsistent verdict
- (e) Defining the questions for trial—pleadings, notices to admit and other devices
- (f) Obtaining evidence—discovery of documents, interrogatories, subpoena and other devices
- (g) Disposition without trial, including the compromise of litigation

- (h) Extra-judicial determination of issues arising in the course of litigation
- (i) Judgment
- (j) Appeal
- (k) Enforcement
- (l) Alternative dispute resolution
- (m) Obligations of parties and practitioners relating to the resolution of disputes,

or topics of such breadth and depth as to satisfy the following guidelines:

The topics should embrace the general study of rules of civil procedure and alternative dispute resolution relevant in the State or Territory. The law concerning jurisdiction, the initiation and service of process, the definition of issues through pleadings and judgment and enforcement should all be included.

Evidence

Explanatory note—

The following topics are fundamental to understanding the major features of evidence law and procedure, both statutory and common law, and the major sources of judicial interpretation relevant to a general study of the role, sources and foundation of the law of evidence and trial procedure, of pre-trial obligations and of rules concerning the burden and standard of proof. These topics explicitly take into account the language of procedural changes created by the common law and uniform evidence law in Australia, including High Court jurisprudence that is indispensable to understanding the conduct of a trial.

The following topics:

- (a) Introduction:
 - (i) the relevant sources of the law of evidence and procedure
 - (ii) fair trials, proof and adversarialism, including principles underpinning accusatorial justice
 - (iii) evidentiary issues to be addressed before trial—disclosure, notices and requests
- (b) Forms of evidence:

- (i) witnesses—competence and compellability:
 - (A) the examination of witnesses, including vulnerable witnesses
 - (B) the accused as a witness, including the privilege against self-incrimination
- (ii) documentary evidence, including proof of contents
- (iii) real evidence
- (c) Evidentiary principles and rules, and exceptions to the rules:
 - (i) relevance
 - (ii) original evidence including *res gestae*
 - (iii) hearsay evidence
 - (iv) opinion evidence
 - (v) admissions and confessions
 - (vi) tendency and coincidence evidence
 - (vii) credibility evidence
 - (viii) character evidence
- (d) The bases for privilege including legal professional and client privilege
- (e) Judicial warnings, comment and directions
- (f) Mandatory and discretionary exclusions and the limitations on evidence.

Ethics and Professional Responsibility

Either the following topic:

Professional and personal conduct in respect of a practitioner's duty:

- (a) to the law,
- (b) to the Courts,

- (c) to clients, including a basic knowledge of the principles relating to the holding of money on trust, and
- (d) to fellow practitioners,

or topics of such breadth and depth as to satisfy the following guidelines:

The topics should include knowledge of the various pertinent rules concerning a practitioner's duty to the law, the Courts, clients and fellow practitioners, and a basic knowledge of the principles relating to the holding of money on trust.³¹⁸

³¹⁸ *Admission Rules*, sch 1.

Attachment C: Summary of Consultations with practitioners.

C.1 Meetings with suburban practitioners

The Presiding Member of the LPAB convened a meeting of senior suburban lawyers who identified a number of issues:

- (1) the fact that, in all areas of practice, early career lawyers require heavy levels of supervision for the first 6-12 months as they learned most of what they needed to learn in practice;
- (2) the perceived benefits of practical training being provided by legal practitioners with private practice experience rather than by academics;
- (3) the importance of broader skills of problem solving, business skills and ethics;
- (4) the law electives in PLT were valuable for students who had not studied the area at university;
- (5) PLT provided no tangible benefits to students who were already employed by the firm with no appreciable difference between their skills and knowledge before and after completion of PLT;
- (6) Universities should provide the practical component as part of their law degrees rather than having a separate PLT;
- (7) the importance of legal practitioners being willing to hire new graduates/young lawyers and to supervise them appropriately;
- (8) extensive training/examination in trust accounts before lawyers might be permitted to be principals;
- (9) the different needs of different legal practices/ disciplines;
- (10) the need to avoid exploitative unpaid internships and of work experience requirements operating as a barrier to entry to the profession;
- (11) the perception of PLT as a “ box ticking” exercise which students could not fail;
- (12) the risks of crowding out law electives if universities providing PLT as part of a law degree; and
- (13) the need to avoid PLT being a barrier to entry to the profession due to cost.

C.2 Meetings with rural lawyers

The Presiding Member of the LPAB convened meetings with groups of lawyers from a number of the State's regions including the Central Coast, the Southern Highlands, the Southern Tablelands, the Riverina and Albury.

Central Coast

The Presiding Member met with lawyers practicing in Gosford, Tuggerah and Erina who had all recently supervised law graduates. They identified a number of issues:

- (1) PLT is overpriced and does not develop the professional skills needed for practice;
- (2) graduates all required specialist in-firm training and it is not reasonable to expect that learning prior to practice could enable graduates to "hit the ground running immediately after graduation";
- (3) graduates need to learn basic practical skills such as time management and file management and soft skills such as communication;
- (4) it is not useful to require students to complete work streams they are not going to pursue in practice;
- (5) PLT does not equip graduates with basic skills in terms of going to criminal court, how to address the court or to seek a bail variation;
- (6) PLT fails to integrate the practical tasks students complete with their context or their requisite statutory basis;
- (7) PLT electives courses are too brief;
- (8) law students benefit from working in the profession and access to real lawyers whilst they study;
- (9) a lot of PLT can be moved to the law degree – drafting, advocacy and trust accounting and the basic rules around it should be learnt there. Final year in a law degree should include a practical course run by lawyers in small groups to give real life experience such as mock client interviews; and
- (10) CLE should be practical (e.g. making bail applications/ mock trials) involving written and oral assessments perhaps more than the current minimum hours for new graduates and ideally with regional delivery.

The Southern Highlands, the Southern Tablelands and the Riverina.

The Presiding Member met in a number of separate consultations with lawyers practicing in Bowral, Mittagong, Goulburn, Wagga Wagga, the Riverina and Lockhart who had all recently supervised law graduates. They identified a number of issues:

- (1) experience working at a firm prior to admission makes the transition to legal practice considerably easier and helps students decide on whether legal practice is right for them;
- (2) a course which includes more exposure to skills relevant to regional practice such as exposure to local court litigation and criminal practice would benefit regional lawyers;
- (3) the transition between supervised to unsupervised practice is probably more important than that from graduation to legal practice and perhaps there should be more focus on that step perhaps with objective testing of the ascertainment of the necessary skills at that stage;
- (4) some of the PLT could be moved into the law degree because “[a]pplication of the law is important. The [law degree] curriculum itself needs to incorporate more practical elements ... university graduates have no idea what to expect working at a law firm e.g. conveyancing, students needs some insight into it at university”;
- (5) graduates need to enter the profession knowing simple things about what to expect such as court hierarchy, court protocol, proper Court attire, respect for the bench and the Court and to have skills in conveyancing, District Court proceedings likely to be debt recovery, exposure to wills and estates, and an understanding of family law;
- (6) mental health, wellbeing and resilience for lawyers is also very important as is being a respectful professional and writing professional correspondence;
- (7) the practitioners had differing views on the utility of drafting a sale of business contract prior to admission; and
- (8) supervision of new graduates is a serious responsibility but some practitioners do not take it seriously and “[t]he supervision is really low in some firms”.

Albury and Lavington

The Presiding Member and the President of the Albury and District Regional Law Society Eva Medcraft met with lawyers practicing in Albury and Lavington who had all recently supervised law graduates. They identified a number of issues:

- (1) practical experience working during studying the law degree is very important. For those with a minimum period of experience in the profession the burdens of PLT should be reduced;
- (2) problem solving skills need to be taught at university;
- (3) some knowledge – but not in depth - of trust accounting is important on admission but detailed is more relevant at the PMC stage;
- (4) letter writing – including letters of advice - needs more attention, Court procedures and etiquette is important as is taking instructions and client interviews and some

- understanding of legal practice (such as Work in progress, managing a file), preparing and filing Court document, emotional wellbeing and coping with management;
- (5) it would be good to offer more electives such as personal injury work;
 - (6) university needs to include the practical. One regional lawyer noted that studying property law t “[d]uring all of uni we never saw a contract of sale”;
 - (7) lengthy work experience which is unpaid is a problem as “[s]ome firms are taking advantage. It is important that if [the students] are assisting, they are paid”; and
 - (8) admission training requirements would be preferable to PLT “perhaps with more intensive supervision and modules. Courses for new lawyers when they are first working and then an oral exam. The oral exams are good. When [work experience] is pre-admission, people don’t want to include them in a client interview...if they aren’t actually an employee yet or a lawyer”.

Tamworth, Temora, Narrandera, Leeton, Cootamundra, West Wyalong and Orange

The Presiding Member met with lawyers practicing in Tamworth, Temora, Narrandera, Leeton, Cootamundra, West Wyalong and Orange. They identified a number of issues:

- (1) there needs to be more practical work done in law degrees and noted that at least one law school was “very academic” and considered that “the purpose of a law school is to produce law students, not lawyers”;
- (2) one practitioner indicated that her firm tended not to offer PLT placements to graduates without any experience due to resource constraints;
- (3) 75 days of unpaid work experience was problematic. One commented that 75 days was not needed for an employer to know if “somebody was going to be a good fit”;
- (4) one practitioner commented on the benefits of face to face engagement in moot court and practice file exercises which also avoided the problem of the use of AI;
- (5) several practitioners commented on a concern that some recent graduates lacked basic people skills such as speaking on the telephone, conversing with people, standing up and presenting, talking to the other side in a transaction or in a civil case or speaking with the police prosecutor in a criminal case;
- (6) one practitioner commented that a 3 to 4 week face to face course could be very useful addressing e.g. family law, PEXA, settlement, conveyancing and contract for sale of business. The participants were attracted to the potential for this to be offered in the regions; and
- (7) one practitioner expressed a concern that “no one fails PLT” and several practitioners expressed concern about the lack of rigour in the grant of unrestricted practising certificates after 2 years of practice. They considered that more was needed and were

attracted to additional mandatory training before an unrestricted practising certificate might be granted.

C.3 Meetings with large firm lawyers

The Presiding Member met with lawyers from the Law Firms Australia (LFA) which represents Australia's leading multi-jurisdictional law firms, Allens, Ashurst, Clayton Utz, Corrs Chambers Westgarth, DLA Piper Australia, Herbert Smith Freehills, King & Wood Mallesons, Minter Ellison and Norton Rose Fulbright. They identified a number of issues:

- (1) they recognised that the varied nature of the legal profession means that there is now no “typical” lawyer. One noted that the days of general practitioners were over with even small firms often specialising today such that not everyone needs to know conveyancing which could be addressed (where needed) with on the ground training. He thought that, “[w]hat people need on day 1 is to have an understanding of professional responsibility, conflicts of interest, privilege, confidentiality, court etiquette including liaising with the court, basic advocacy, advice writing, taking instructions. That is universal with the exception of advocacy.” Another added that new lawyers should have an idea about billing and know what Work In Practice is;
- (2) they would be supportive of condensing PLT mandatory content to what is really essential given that most learning is done “on the job.” Whilst one lawyer thought that the following would be essential skills to learn prior to admission, there was disagreement as to whether that was so with some members considering that such skills could only be developed in practice: “Greater focus on people and business skills. These are essential skills. Building relationships in the workplace, leadership skills (self and others), adaptability and interpersonal communication. That is underdeveloped. Oral and written skills relating to interviewing, providing an advice, research, Advocacy”;
- (3) they would be supportive of law degrees becoming more vocational, substantially reducing the length of PLT to a three to four week face to face intensive and moving PLT content relevant to specific practice areas to the first few years of post-admission practice;
- (4) a challenge with law degrees becoming more vocational is that not all students wish to go on to practice so that vocational skills might not be meaningful for everyone;
- (5) they recognised the need for supervised practical to be meaningful with a sufficient exposure to a broad set of activities; and
- (6) they identified cost as an issue if final exams were to be introduced prior to admission and upfront costs were to be increased to cover those costs which may itself create a barrier to entry.

C.4 Meetings with government lawyers

Crown Solicitor’s Office of NSW

A judicial member of the LPAB met with lawyers working in the Crown Solicitor's Office of NSW, all but one of whom had experience working with recent law graduates. In their view, whilst the current list of Skills is appropriate – although Trusts and Office accounting less so as government lawyers are not permitted to hold trust money – PLT does not presently prepare lawyers for the type of work that government lawyers do. Teaching of professional ethics, values and obligations needs to be mandatory prior to admission with good solid scenarios including conflicts of interest. Graduates need to know the basic concepts so that they are able to identify the existence of an ethical issue. It is difficult to teach Management and Business Skills in the abstract (as systems and process and the expectations of employers vary) but a basic understanding that businesses do have systems is worthwhile.

In the view of these government lawyers, administrative law should be mandatory in PLT as it affects many areas of practice. The administrative law module is not currently practical and focuses on FOI applications rather than, for example, the model litigant obligation, how to identify the client when working as a government lawyer and power and authorisation in decision making. Graduates generally do not know what a judicial review matter looks like and have never seen or drafted a judicial review summons or response to summons. Graduates in government legal practice need to know the nuts and bolts.

PLT currently takes substantial money and time, delays new graduates' ability to develop their ability to take on full responsibility and conduct of matters and the completion of more relevant CPD. Moving PLT requirements to be post-admission CPD requirements for the first 2 years of practice would be cheaper and would make no difference as that is essentially what happens now.

Office of the Director of Public Prosecutions (NSW)

A judicial member of the LPAB met with three lawyers working in the Office of the Director of Public Prosecutions (NSW) (ODPP). Prior to the meeting, the attendees obtained feedback from 12 recently admitted lawyers or paralegals who were currently completing PLT. The ODPP recruits entry-level lawyers in two ways: through a paralegal program and as graduates eligible for admission. The ODPP recruits 70-80 paralegals in the second or third year of their legal degree and they have the potential to then progress to engagement as level 1 solicitors. The ODPP also recruits new lawyers who completed their law degree and PLT. The ODPP recruits about 50 entry-level lawyers a year including those who have been already been working with the ODPP as paralegals.

The view of those attending and the feedback they had obtained was that the PLT is very expensive and not targeted towards public justice work doing little to prepare students for work at the ODPP. Paralegals said that they gained the best experience from the ODPP's own training and from actually working. The ODPP provides paralegals with a formal intensive training program of five days full-time spread over two weeks to set expectations and to make clear what the ODPP requires from its employees. It covers ethics, in the context of a prosecution service, conflicts, Criminal Law 101, the basic structure of the ODPP, cultural awareness and unconscious bias. A mentoring program also assists paralegals. Entry level solicitors graduates receive similar training. The PLT Compulsory Practice Areas do not prepare graduates for work at the ODPP

apparatus form basic advocacy taught in Civil Litigation Practice which overlaps with a component of Lawyer's Skills. Civil Litigation is a very small area (2 layers) at the ODPP which does not usually hire many entry-level solicitors. The training in Ethics and Professional Responsibility new graduates have received before commencement seems to be useful. They know what a conflict of interest is, that lawyers owe certain obligations and where to find them. Trust and Office accounting was of no relevance to the ODPP. The ODPP does take unpaid placements from some universities as part of university subjects.

When lawyers are recruited they are not asked if they have completed any particular electives. Of the Optional Areas only the Criminal Law module is relevant but it does not prepare graduates to work at the ODPP. It is taught at a very basic level and the content coursework is not particularly helpful. ODPP lawyers are required to hold a practising certificate. Attendees thought that the aim of PLT ought to be to expose students to the kind of work that entry level lawyers are actually required to do. PLT should focus on practical skills of general application by lawyers in most practices, such as, drafting affidavits well and oral and written submissions/advocacy. Whilst it does not require staff to complete more than the mandatory CPD points, most, including paralegals, do so. The ODPP encourages staff to participate in training and provides fortnightly in house training sessions and an end of year full day conference with workshops. There is no particular encouragement of ODPP staff to obtain Law Society specialisation recognition or to pursue postgraduate studies. Whilst the ODPP does not pay the fees of employees completing a PLT program this does not seem to deter applicants as they have a large number of applicants to work as paralegals with them.

Commonwealth Director of Public Prosecutions

A judicial member of the LPAB met with three lawyers working in the Office of the Director of Public Prosecutions (Cth) (CDPP), two of whom were Prosecution Team Leaders and the third was in the Legal Learning and Knowledge area. They indicated that the CDPP was not presently hiring paralegals or graduates straight from university or on completion of PLT. The CDPP hires federal prosecutors at a base level of level 2 requiring legal experience, which may be legal practice or working as tipstaves or associates before commencement. Whilst many federal prosecutors hold a practising certificate it is not mandatory as they can rely on the Commonwealth's power to prosecute federal offences under the *Judiciary Act 1903* (Cth).

The CDPP requires new staff to complete an induction program which is formally a four week program although it is self-paced consisting of a mix of on-line and face to face on the job training. Nationally the CDPP also provides a CLE program and periodic training session with individual state and territory offices also organising semi-regular training sessions.

These lawyers considered that PLT provides lawyers with foundational skills but that lawyers developed through on the job experience more than in PLT. They identified the difficulty in identifying mandatory subjects for study in PLT given the wide differences in different types of practice such as between government and commercial/private practice. One favoured a broad-based PLT as many people do not know which practice area they wish to end up in when they are studying and there is value in at least understanding the fact that there are important things – such as trust accounting – that will be needed in particular practice areas. They queried the need for mandatory corporate, commercial and property subjects – which would not be relevant to all

lawyers – but considered there to be a strong argument for compulsory training in criminal practice and advocacy. One noted that “[t]he criminal practice subject can be useful even for someone who does not intend to practice in criminal law. In our experience prosecuting offences under the *Corporations Act* the defendants will often have a large commercial law firm acting.” However one noted that the current expectations for entry level lawyers in criminal law set out in the Competency Standards whilst “a fantastic goal” were not realistic. One indicated that “[p]erhaps we need to go back, look at each practice area and ask if what is being taught is fit for purpose and whether those standards reflect what is actually expected of graduates.”

These lawyers consider ethics and professional responsibility to be absolutely fundamental and needed to be understood prior to commencing work as a lawyer. It needed to be covered as close to commencement as possible and the PLT stage was sensible particularly as it might be studied early in a university degree. It should be taught with practical examples where a lawyer is faced with an ethical issue and how it is dealt with.

They noted the difficulty of obtaining a work experience placement in government practice, identified exploitation as an issue in private practice placements and considered 75 days as too onerous but 15 days potentially too short. One identified a benefit of work experience as providing the opportunity to try a practice area to see if it would be a good fit. One identified the benefit of work experience being an option at universities so that, like other subjects, it was assessed. One suggested that a set of standards perhaps embodied in a Code of Conduct might usefully developed to set out the ethical standards and expectations of supervisors and the types of tasks and hours allocated to the development of specific skills or students completing a placement. They also noted the benefit to potential employers of completing supervision as a means to identify potential employees and noted that there would be less training to do for a new employee who had been supervised by them on placement.

They noted that candidates for employment with the ODPP were not asked what subjects they studied in their PLT and that once employed there was no expectation that employees would seek specialist accreditation with the Law Society although some had done so.

Legal Aid NSW

A judicial member of the LPAB met with six lawyers working with Legal Aid NSW. Legal Aid NSW take PLT students on supervision and also hire new graduates. They also hire law students in an administrative role as Legal Support Officers (LSOs) who may then complete their mandatory PLT work experience in Legal Aid before being offered a graduate role. Some LSOs transitioned to paralegal roles prior to admission. Legal Aid runs its own induction program consisting of webinars and two in person days. In addition to this general program each group has its own induction and there is local level induction as well in the first week of work. New recruits also receive further training whilst under supervision. For graduates working in criminal law a criminal law induction course is held over a week covering advocacy and Legal Aid processes, policy and guidelines.

These lawyers did not consider PLT as assisting entry level lawyers starting at Legal Aid. One noted that “[f]or someone starting at Legal Aid, it is really no different whether they are straight

out of university or have done PLT. PLT doesn't add much value in terms of advancing people actually going into practice." They thought that PLT could focus more on practical and human skills such as interacting with clients, managing client instructions, managing clients in interviews and taking concise and effective notes. One thought that ethics and court etiquette were to key components which needed to be taught before admission.

They thought that if PLT were to continue it might be divided into streams representative of different careers and wondered if PLT could be dispensed with by incorporating practical content in law degrees. They considered that PLT might usefully teach skills in professional communication, conferencing, working with colleagues and wellbeing but that property law should not be compulsory. They thought that criminal law should be compulsory with one lawyer noting that "It is important even for someone who is not working in criminal practice. For example, clients of a general practice firm will have legal problems across the range. Lawyers in such firms need to have the ability to identify the criminal law issue so that they can refer to people with appropriate experience." They considered that trust accounting was important to know about but was not a topic on which a detailed understanding was required prior to admission. They thought that ethics and professional responsibility was essential knowledge and that it needed to be taught in context with one suggesting that it needed to be embedded in other courses in the law degree or PLT rather than being a standalone subject. One suggested that PLT should focus on the attitude and life skills including character, etiquette and respect for the law needed by lawyers.

There was general agreement that more training post-admission would be sensible. Most participants did not review law degree or PLT electives taken by applicants for work although those working in family law did so. Whilst some participants had completed a Law Society specialisation it was not required.

There was general agreement that PLT needed to change and become shorter and that more CDP in the first two years would be more sensible.

Australian Government Solicitor

A judicial member of the LPAB met with two litigation lawyers working with the Australian Government Solicitor (AGS). The AGS has a formal graduate program but also employs clerks and paralegals who later become junior lawyers. Graduates take part in an induction program in Canberra followed by rotations in their first year to Corporate and Commercial, Dispute Resolution and the Office of General Counsel. All new starters attend an online on boarding program for core legal skills and how AGS operates. Graduates usually complete their PLT (including work experience) at the AGS. As they are covered by the *Judiciary Act 1903* (Cth) AGS lawyers are not required to hold a practising certificate. They are however required to complete 10 hours of CPD in four streams.

PLT does not prepare lawyers very well and is considered to be a tick-a-box exercise which was impossible to fail. Real skills are gained doing practical work. They did not see any substantial difference in the preparedness for the job between employees between the start and end of their

PLT. More senior staff who completed their PLT in person considered that they learnt a lot from completing oral presentations and gaining interpersonal skills.

The focus of any compulsory PLT should be practical such as skills in legal writing and dealing with clients/other parties, learning about what legal practice is like, how to have a difficult conversation with clients, the nature of the client/lawyer relationship and the need to obtain instructions and costs – what is recoverable and how party/party costs work. It is useful to know about legal ethics and professional responsibility – with a practical focus on professional ethics and obligations in real life ideally with “war stories” – before commencing practice. PLT has a role in teaching some practical skills before commencing practice so that, for example, they know what a court order looks like and what an affidavit is and they have attended hearings for a day in the Local, District and Supreme Court. Trust accounting is irrelevant in the AGS. One participant commented that “[t]he value of PLT seems to be more about teaching new practitioners how the justice system works, how to be responsible members of the profession and how to operate in the justice system. This may include a basic understanding of the structure of the court system, how to prepare a set of orders, how to draft an affidavit etc. But then people may also just learn those on the job.”

It may be good to move substantive content to post-admission CPD or intensives although there would then be a need to develop sound auditing practices.

The participants did not ask employment candidates which electives they took in PLT. It was not common for AGS lawyers to complete Law Society accredited specialist programs although some did complete LLMs.

C.5 Meetings with entry level lawyers

Entry Level Lawyers

A judicial member of the LPAB met with 8 recently admitted lawyers of whom three were from large firms, three from a mid-sized firm and two from regional firms. Six of these lawyers their PLT at the College, one at UNSW and one at UTS.

The general feedback was that PLT was somewhat helpful but did not translate well into practice and that the law degree and work experience gained outside the PLT were the best preparation for practice as a solicitor. There was a concern that the PLT was more theoretical than practical with one participant noting that each firm had its own way of training junior lawyers and if doing things and that they could not think of any example of actually using something taught in PLT in practice. The differences in the work actually done in different law firms compared to what was taught at PLT was highlighted by a litigation lawyer working in a commercial firm who noted that the only practice court appearance completed in PLT was in a criminal context. A participant who did go on to handle Local Court criminal and civil matters considered that PLT did not prepare him to do a mention in a courtroom because content was “skipped through” and the program “too shallow.” In contrast a participant, who completed PLT at UTS and completed a conveyance and a will and then went into a wills and estates, property and family law practice did use skills learned at PLT. That participant noted that he still learned a lot more “on the job”.

Similarly a participant who went on to do conveyancing in practice was positive about learning about PEXA in the PLT but noted that whilst the PLT covered how to settle a conveyance it did not cover what happened before that stage in a conveyance.

Interactive components involving client interviews and negotiation exercises where the only participants were other students, rather than practitioners, were not considered to be sufficiently practical.

Several participants studying with different PLT providers spoke of a process of submitting assessments and resubmitting after receiving feedback noting the corrections required. They expressed the view that this made the process feel like a “tick-the-box exercise” which could not be failed. Particularly where students were working full-time, the delivery mode encouraged students to get through the modules as quickly as possible with no great incentive to put in more than the minimum of effort, rather than to really learn. One participant described being taught to complete the exam or practice papers rather than digesting the content and preparing for practice.

The Ethics component, which was embedded throughout the course, and the Lawyer’s Skills component were described as interesting by one participant. Another thought that these areas – and ideally work experience – could be covered in the law degree and several noted that Professional Responsibility and Ethics was covered there as well as in the PLT. The specific practice areas in content and assessment were described as being like any course in the law degree with an exam at the end. Another participant referred to doubling up having studied Succession and prepared a will as an assessment in the student’s law degree and then studying Wills and Estates in PLT with the same assessment task set.

The participants favoured:

- (1) a more practical focus in law degrees having practitioners lecture at university and the inclusion of practical skills such as affidavit drafting.
- (2) reducing PLT into a 2-4 week intensive focused on Lawyers’ Skills
- (3) moving PLT electives into post-admission CPD noting the need for that CPD to be interactive or intensive and assessed and for there to be a sufficient number of providers to attract competition on fees. Unless regional offerings were available one participant noted the need for an online option and that there may be difficulties for newly admitted lawyers to find time to schedule more CPD hours.

Recent PLT graduates

The Presiding Member met with 7 recent PLT graduates of whom 6 were from national firms including 4 from large firms and one was from a mid-sized commercial firm.

The participants favoured:

- (1) a shorter intensive for PLT. There was general agreement that PLT spread over 6 months was not effective with most admitting to losing interest and focus towards the end of the program. Whilst most favoured an in-person intensive course, some identified the challenges that an in-person intensive would present to graduates – especially mature aged graduates and others who needed to work whilst they studied. This may require the option of night or part-time classes.
- (2) completing electives through CLE post admission when choices of electives could be more linked to what graduates are doing post-admission and assessments could be more of a truer assessment of skills. Some participants were concerned about potentially deferring part of the PLT and about the feasibility of completing more CLE after admission given the increasing workload of lawyers. Some were particularly concerned if firms did not provide study leave for their employees to do the CLE as some already do for PLT. One suggested that this component might be integrated in the firms.

One participant expressed concern if the PLT in NSW ceased to be part of a nationally consistent approach. Participants who completed their PLT with their law degree at Newcastle were positive about their experience.

C.6 Meeting with Lawcover

A judicial member of the LPAB and the Chair of the Law Admissions Consultative Committee met with representatives of Lawcover³¹⁹ on 11 September 2025. Lawcover was very positive about the recommended proposal for reform of PLT particularly the increased CPD/specialisation requirement for 2/3 years post-admission. Lawcover is currently involved in some PLT programs and in the PMC. Lawcover presents a 1-2 hour session in the PLT programs at some universities covering risk management for new lawyers, ethics, communication, file management, limitation periods and delay in addressing matters. Lawcover presents a risk management course in the PMC delivered by the College, the Law Society and FMRC.³²⁰ The course exposes lawyers to business planning, the financial aspects of running a legal practice and trust accounting. Lawcover also offers other courses. It offers: 3 hour workshops for principals on topics such as the causes of claims, client engagement and communication; a course tailored for junior lawyers focusing on practical skills and understanding what supervision feels like and a support staff module focusing on identifying risk in a principal's practice and fostering safety in encouraging early raising of issues. In the recommended proposal for PLT reform Lawcover could contribute to the capstone course and in the post-admission element of the program.

In addition to the three findings outlined above at pp 26-27 of this Discussion Paper, Lawcover observed that the evolving risks of claims for the future were to be found in Cyber assisted fraud, Anti-Money Laundering/Counter-Terrorism Financing legislation, Use of Generative AI and supervision of junior lawyers.

³¹⁹ Kerrie Lalich (Chief Executive Officer), Elissa Baxter (Chief Legal Officer) and Jen McMillan (Manager, Practice Support Services).

³²⁰ FMRC, *Legal Practice Management Insights, Strategy, Action* (Website), available at <<https://www.fmrc.com.au/>>.

Attachment D: Submissions received by the LPAB and the Chief Justice following release of the PLT Survey and Urbis report

The LPAB and Chief Justice of New South Wales received written submissions from legal practitioners following release of the PLT Survey and the Urbis report by the Chief Justice.

Those lawyers identified a number of issues as follows:

- (1) One rural firm considered that PLT was critical as “[u]nfortunately young graduates do not have any practical training coming out of university studies.” They felt that real work in law firm was critical and that “[i]t takes at least 2 years to bring a law graduate up to a standard where they are competent and confident enough to provide legal advice.”
- (2) A Sydney barrister opined that “PLT should be run in modules and parallel with students being in the workplace, essentially closer to articles.”
- (3) Another Sydney barrister described his PLT as an expensive barrier to entry to the profession which did not serve its purpose. He considered the issue to be a devaluing and separation of practical skills from the theoretical knowledge addressed by law degrees. He proposed the integration of practical skills with the teaching of theoretical knowledge such that, for example:
 - (a) students studying Evidence in a law degree would be required to read an affidavit and transcript of hearing and peruse a brief of evidence and to read and also draft pleadings;
 - (b) students studying contracts would at least see a contract (or deed);
 - (c) students studying torts might be taught the elements by being asked to draft a pleading and a written advice following provision of a bundle of materials including client observation, relevant documents provided by the client and objective documents from other sources (such as ASIC company rescoped); and
 - (d) In this barrister’s view “[i]f law school was taught in this way, students would leave university having a basic understanding of how to practice which would be a boon for all employers.”
- (4) A submission was made by a recent graduate of PLT delivered by the College of Law in South Australia complaining of the cost of PLT, the lack of live lectures or structured real-time mentoring opportunities, the use of outdated materials and inconsistent engagement by assessors.
- (5) A submission was made by a senior government lawyer noting the significant growth of government legal practice as a proportion of the profession (which is discussed in [2] above) and that the current PLT program, including its compulsory practice areas, was developed before it became mandatory for government lawyers to hold a practising certificate. This submission suggests that the PLT program could be revised and improved

to better meet the needs of government legal practice and that there is potential to develop a PLT program which targets the requirements of government lawyers.

- (6) A submission was received from a sole practitioner, with a specialist practice, expressing concern about the strain on sole practitioners attracting, employing and supervising who then leave a short time later usually for larger salaries in larger firms. Whilst recognising the crucial importance of training and supervision of new graduates, this practitioner noted that “the constant training and development invested only for it to be ‘monetised’ by someone else can become a soul destroying experience’ and discourage the necessary investment of time into entry-level lawyers”.
- (7) A submission was received from a former long term instructor at the College who expressed the view that it was almost impossible to fail PLT which led to it not being taken seriously by many graduates, and that there had been a detrimental reduction in face to face teaching to about one week post the pandemic, which “contributes to perpetuating the perception that PLT is at best, a box-ticking exercise to satisfy the regulator, and at worst, a waste of time & money.” Further, while the elective subjects provide some opportunity to choose relevant areas of interest for all graduates, many find it hard to understand the ongoing focus of, for instance, residential conveyancing as the centrepiece of the core Property subject, given the proliferation of non-lawyer licensed conveyancers over the past 30 years plus the reality that property law encompasses so much more than residential conveyancing.
- (8) In addition to these submissions, a number of recent graduates provided feedback to the Presiding Member of the LPAB prior to the PLT Survey and the Urbis Report being undertaken. Comments included:

Lack of participatory teaching

Thirty hours of intensive teaching, at the start of the PLT course, was the only direct teaching students received in the program. Although some revision tutorials and small group calls were offered to assist students with content, in each of the compulsory and elective courses, there were no regular classes or even pre-recorded lectures. Content was conveyed through Past Papers (sets of notes) and online interactive modules. Feedback on assignments was, in many cases, not personal to the student but given solely by way of a standard form set of paragraphs outlining what an “ideal” response would have been. There was no, or very little, face to face teaching of practical legal skills.

Impractical and inadequate materials/Insufficient engagement

Instead of lectures or tutorials, many of the courses relied on asynchronous teaching materials – interactive modules or videos. It was said that these modules and videos were often quite out of date. They could also usually be clicked through quickly without reading or watching any of the content. Whilst at various intervals in the modules, students were required to complete quizzes, the quizzes displayed the correct answers and then allowed for resubmission. As a result, it was possible to complete the modules in a few minutes.

Outdated assignments

It was also said that assignments were not altered from year-to-year in any substantive way (e.g. the content stays the same but the names are sometimes changed). This encourages academic misconduct including the use of AI. In oral assessments students can have open the assignments they submitted alongside the course materials.

Many of the assignments were also dated or lacked contemporary utility (e.g. manual accounting tasks). Similarly, multiple assignments in Property involved use of PEXA with very minimal teaching guidance.

Furthermore, students were provided with almost no guidance on how to approach some of the more difficult assignments. For example, students have commented that on the “Ethics Course”, for the week on “Trust Accounting”, they were not taught the basic concepts as to accounting in an interactive class but were instead directed to read dense and difficult to digest Practice Papers.

Limited CPE information

It was said that the CPE provided by the College contained minimal useful information. It covers basic content such as behaviour in the workplace and legal technology. These are things which are covered in a compulsory induction program at most firms and government agencies.

The focus on legal technology, despite dedicating multiple modules to the topic, was extremely basic and limited. Students could click through the slides extremely quickly and did not need to take in the content. If a student gets a question wrong, they can click “see correct answer”, and then retake the question and input that correct answer. Students can speed through the questions the first time, collect the “correct” answers, and then complete the test with full marks, despite not actually understanding the content.

*Substandard oral exams**(i) Assessors*

The quality of assessors differs greatly. Some assessors were not familiar with the material. Most assessments did not go for their full intended duration and in many cases, assessors would provide students with the answers to questions or with substantial assistance in finding the answers.

(ii) Content of the assessments

Those parts of the oral assessments which required students to present submissions or make applications in relation to which they had already submitted a written assignment were of limited utility. Oral examinations were not difficult. Assessors rarely interjected

to simulate real conditions. Questions were largely theoretical and the answers were usually directly contained in the Past Paper documents or other course materials. Students could have the Past Papers and their assignments open on their computers whilst taking the assessment and answer questions as they arose by navigating those documents. Although discouraged by the lecturers, students were able to sit the oral examinations in this manner and receive high marks.

Each oral exam involved a series of questions towards the end of the exam concerning ethics and professional responsibility in the particular subject area being assessed. These questions meaningfully assessed students because they could not be answered merely by referring to the course materials.

Impact of firm funding of PLT/Reluctance to pursue public interest career

Some law firms pay for their employees to complete PLT. This may incentivise students to seek to gain experience and contacts whilst they study so that they might obtain graduate employment at a law firm or other employer who will fund their PLT. This may act as a disincentive to seek public interest oriented, workplaces (or from acting in roles such as that of a Judge's Associate or Clerk) that do not pay for students' PLT.

- (9) A submission was received from the Redfern Legal Centre (RLC) on 2 September 2025. The RLC expressed concern about the cost of law degrees and PLT and the financial burden of lengthy unpaid work placement requirements. The RLC noted that the practice of some law firms to meet the PLT fees of their employees may skew employment choices away from public interest law and social justice pathways. The RLC was concerned that PLT currently fails to prepare graduates for work in Community Legal Centres (CLCs) and, by omitting or devaluing such content and skills, may discourage graduates from pursuing such careers.

The recommendations made by the RLC included:

- (a) The mandatory integration of PLT in all law degrees;
- (b) Advanced standing for credit being available for work placements completed during a law degree or alternatively the mandatory inclusion of work placements within law degrees;
- (c) Reforming PLT to provide students with greater subject selection choice including content tailored to public interest and government practice. The RLC also recommended that PLT programs be required to include trauma informed practice, disability and cultural competency, working with interpreters and community-based studies;
- (d) mandated standard PLT fees;
- (e) that PLT programs should enable students to work full-time;

- (f) the expansion of the Commonwealth Prac Payment to PLT students for PLT compulsory work placements; and
 - (g) the reform of s 121 of the *Uniform Law* which adversely impacts on the ability of persons convicted of serious offences to be employed in a legal practice, including CLCs, by requiring approval of the NSW Civil and Administrative Tribunal for them to become a 'lay associate' of a law practice. RLC argues that this requirement disproportionately impacts on First Nations people, the homeless and disabled, who are overrepresented in the criminal justice system.
- (10) A submission was received from Dr Deborah Hann on 5 September 2025. Dr Hann's 121 page submission references research and her own PhD.³²¹ Dr Hann's submission "highlights systemic issues with PLT...critiques the fragmented and undervalued nature of post-degree legal education and proposes an educative framework for lifelong learning and professional development for lawyers."³²² In Dr Hann's view, the LACC PLT Competencies "are not best practice in educational terms" and neither they nor the Priestley 11 provide a "common and transferable language for describing professional performance and explaining the abilities and attributes expected of specific types of professional at different stages of their careers."³²³ Dr Hann notes that PLT is "caught between" the academic requirements of law degrees and the regulatory requirements of CLE."³²⁴ She considers that PLT and CPD have been compartmentalised and undervalued.³²⁵

Dr Hann observes that lawyers become self-directed learners and seek to achieve "better practice" and "holistic competence" as they continue to learn after they are admitted.³²⁶ Dr Hann opines that the traditional legal education system has not worked effectively with the profession to develop a suitable competency framework for legal practice beyond entry level.³²⁷ She observes that post degree learning and development of lawyers predominantly occurs in the workplace rather than at universities or PLT providers.³²⁸ However, she notes that, discourse in relation to post-admission learning relates predominantly to its regulation "rather than on how to empower, that is motivate and inspire individual lawyers to step up and build an effective learning strategy and roadmap for their ongoing professional learning."³²⁹ The current regulatory and hours-based approach to CPD produces incentives for box ticking, minimal effort and commitment rather than genuine, relevant professional development.³³⁰

³²¹ Deborah Hann, "Lawyers practising learning: re-shaping continuing legal education", (University of Melbourne, PhD Thesis, 2006) available at <<https://minerva-access.unimelb.edu.au/items/d809f14c-c9cd-4a45-b6bd-155716fa7316>>.

³²² Dr Deborah Hann, "Submission Practical Legal Training NSW Justice for Lawyers' Education" 5 September 2025, 12.

³²³ Ibid 57.

³²⁴ Ibid 13.

³²⁵ Ibid 109.

³²⁶ Ibid 13-14.

³²⁷ Ibid 15.

³²⁸ Ibid 27.

³²⁹ Ibid 58.

³³⁰ Ibid 72.

Dr Hann laments the lack of value placed on research and scholarship in Clinical Legal Education and CLE and the failure to consider the importance of what is learned at work and to incorporate this into theorising the professional learning lawyers need after admission.³³¹ She notes that “[t]he traditional paradigm of legal research thus far does not acknowledge the imperative of researching lawyers’ work and learning beyond the classroom, to the clinic and workplace.”³³² Without the development of a competency framework of what lawyers learn at work, Dr Hann does not consider it possible to effectively design, deliver and review PLT and law degrees so that they work together with post-admission learning.³³³ Dr Hann notes the development of judge- led education for the judiciary which, is seen as both “a right and responsibility.”³³⁴ As she notes, unlike the mandated 10 hours of CPD completed by solicitors, Australian judges spend an average of five days of funded judicial continuing education a year.³³⁵

The recommendations made by Dr Hann include:

- (a) The need for the legal academy, regulators, PLT providers, past, present and future PLT students and the legal profession to work collaboratively to lead transformational, respectful and inclusive change;³³⁶
- (b) The need to develop a holistic contiguous legal profession learning continuum and lifelong learning model progressing through law degrees, PLT, CPD and practice and incorporating awareness, skills, competency, mastery and advanced master levels of performance and assessment.³³⁷ This should be informed by the success of Judicial Education.³³⁸
- (c) The need to recognise and change the legal profession’s hyper-critical culture and how it impacts on the careers and psychological safety of lawyers;³³⁹
- (d) The need to develop a vibrant culture for empirical research into Clinical Legal Education, CPD and what, why and how lawyers learn at work, once they have the theoretical, propositional and doctrinal knowledge derived from a law degree, and how they are supported or not by their employers and the profession.³⁴⁰ This needs to be done before a lifelong or continuing competency continuum is developed to avoid repeating the current disjointed and poorly theorised approach;³⁴¹
- (e) The need to develop the capabilities of lawyers engaged in PLT and post-admission supervision given that post-admission learning and development

³³¹ Ibid 27,29.

³³² Ibid 58.

³³³ Ibid 37, 40.

³³⁴ Ibid 24.

³³⁵ Ibid 45.

³³⁶ Ibid 26.

³³⁷ Ibid 15, 30, 39, 46, 58, 63.

³³⁸ Ibid 58.

³³⁹ Ibid 31.

³⁴⁰ Ibid 38, 42, 49, 58, 68.

³⁴¹ Ibid 42.

primarily happens in the workplace.³⁴² There is also a need for this work to be valued and supported;³⁴³

- (f) The need to develop fairness in access to professional development opportunities in workplaces as learning at work is directly influenced by an employers' commitment to this;³⁴⁴ and
- (g) The establishment of a new Centre for Post Degree Legal Education³⁴⁵ which is independent and resourced and has 'better practice' as its core purpose".³⁴⁶

(11) A submission was received from Andrew Thorpe, Principal of Thorpe Legal Strategy on 14 September 2025. The recommendations made by Mr Thorpe include:

- (a) If a short mandatory capstone PLT course to deliver skills essential to legal practice is introduced, consideration should be given to offering that course in different streams. These could be General Private Practice (which students yet to secure employment may select), Corporate Private Practice and Government Practice. Alternatively, one stream could be client centric (for private practice) and the other non-client centric (for government and corporate lawyers);³⁴⁷
- (b) Consideration being given to credit being provided for some or all of a PLT capstone course for graduates with prior work experience;³⁴⁸
- (c) The Competency Standards need to be greatly simplified;³⁴⁹
- (d) Design of the short PLT capstone and Post Admission training requirements should progress "hand in hand";³⁵⁰
- (e) In the first two years of practice, practising certificates should prohibit new lawyers from: taking instruction without direct supervision; given written advice unless approved by their supervisor; giving oral advice; signing off on emails (which are not administrative) to clients, other practitioners or third parties unless approved; making any commitment on behalf of their employer; giving undertakings; open a file or issuing a Client Service Agreement; issuing an account; settling a case without supervision and appearing in a contested application;³⁵¹
- (f) A module on mentoring young lawyers should be included in the PMC for aspiring principals and offered as a CPD course;³⁵² and

³⁴² Ibid 56.

³⁴³ Ibid 99.

³⁴⁴ Ibid 45.

³⁴⁵ Ibid 13, 95.

³⁴⁶ Ibid 47.

³⁴⁷ Andrew Thorpe, "Draft Discussion Paper on PLT Reform" 14 September 2025 sent by email to the Presiding Member, 2.

³⁴⁸ Ibid 3.

³⁴⁹ Ibid.

³⁵⁰ Ibid 4.

³⁵¹ Ibid 4-5.

³⁵² Ibid 5.

- (g) Graduate lawyers, Supervisors and the Law Society should sign a tripartite agreement recording their obligations in the supervisory relationship.³⁵³

Attachment E: Feedback received from PLT providers

The LPAB has received responses from each PLT Provider to requests for information about syllabus, teaching materials, methods of teaching and assessment, staffing, training, complaint processes, approval processes for supervisors of work experience, resubmission, grade distribution and failure rates. This material is voluminous. Following receipt of these materials, meetings have occurred at least twice with each PLT Provider. Below those meetings are summarised together with a brief summary description of some of the key points from the correspondence.

The College

On 10 June 2025 the College responded to the LPAB's request for information. The College indicated that:

- (1) Their PLT program commenced with a one week, face-to-face intensive focused on the Lawyer's Skills component of the Competency Standards. The balance of their program was retaught online via the College's Canvas learning portal.³⁵⁴ Each cohort was allocated a dedicated lecturer to guide and support them and to conduct at least one group Zoom meeting (a PLT "huddle") each subject and to meet by Zoom on student request. Oral assessments, which are the sole determinant of a student's grade also occur face to face.³⁵⁵ A student who fails an oral assessment more than twice is referred to the Assessment Review Committee and may receive further tuition from the lecturer and explore reasons for the student failure and whether further interventions and supports are required before determining whether an additional re-sit is to be permitted.³⁵⁶ Students are given two attempts to pass each subject and may be permitted additional attempts by the Academic Review Committee;³⁵⁷
- (2) Students are required to resubmit submissions assessed as 'Not Yet Competent' after receipt of lecturer feedback. This process was repeated until a student was assessed as 'Competent' in that assessment.³⁵⁸ Students who fail the oral assessment are permitted to re-sit;³⁵⁹

³⁵³ Ibid 6.

³⁵⁴ College of Law, "Request for further information in response to Report re: Practical Legal Training (PLT)" 2.

³⁵⁵ Ibid 2-4.

³⁵⁶ Ibid 14.

³⁵⁷ Ibid 16.

³⁵⁸ Ibid 3-4.

³⁵⁹ Ibid 4, 13-14.

- (3) Plagiarism or unauthorised use of AI is investigated and may result in adverse academic conduct findings.³⁶⁰ All academic conduct investigations are recorded in an Academic Conduct Register;³⁶¹
- (4) PLT teachers must hold a tertiary qualification in law, be eligible to practise law in an Australian jurisdiction and have at least 5 years' experience in legal practice. There is no specified maximum time since an applicant last practised.³⁶² A postgraduate qualification in teaching is desirable;³⁶³
- (5) The College follows a *Student Complaints and Grievance Policy* and records all complaints and outcomes in a Student Complaints and Grievances Register;³⁶⁴
- (6) The College regularly reviews and revisits its assessment regime;³⁶⁵
- (7) PLT is taught by the College in a flexible range of modes: General (10% Face to face (in person or synchronous online) and 90% asynchronous online); Campus (63% face to face in person and 57% asynchronous online), Balanced (17% face to face in person and 83% synchronous online) and co-operative (10-30% face to face in person and 70-90% asynchronous online);
- (8) Workplace placements are managed by the College's Workplace Experience Committee and subject to the College's Work Experience Rules;³⁶⁶ and
- (9) Students are given 4 years to complete and very few do not do so. The "College's approach is to work with and support students to enable them to reach the necessary level of competence in each coursework task and to pass the oral assessments in each subject".³⁶⁷

On 11 July 2025 the Presiding Member, Emeritus Professor Quinlan and LPAB members³⁶⁸ met with representatives of the College.³⁶⁹ On 24 July, 2025 the College provided the LPAB with a draft syllabus for a 3 week intensive face to face and in person component of their PLT program. A further meeting took place on 13 August 2025.³⁷⁰

The College's proposed syllabus demonstrates that it would be able to offer 3 contiguous weeks of their PLT program focused on Lawyers' Skills for the commencement of programs in 2026. The College is to provide further details on delivery in regional areas (Armidale, Coffs Harbour, Wollongong and Parramatta), the suggested exceptions from mandatory in person attendance

³⁶⁰ Ibid 4.

³⁶¹ Ibid 9.

³⁶² Ibid 6.

³⁶³ Ibid 5.

³⁶⁴ Ibid 7.

³⁶⁵ Ibid 10.

³⁶⁶ Ibid 12.

³⁶⁷ Ibid 16.

³⁶⁸ Justice Kirk and Wen T'sai Lim.

³⁶⁹ Patrick Lewis, Chief Academic Officer, Marcus Martin, CEO and Tahlia Gordon.

³⁷⁰ Attended by the Presiding Member, Emeritus Professor Quinlan, Justice Kirk, Edward Muston and Wen T'sai Lim of the LPAB and Patrick Lewis, Chief Academic Officer of the College.

(such as disability, illness etc) and a proposed syllabus if they wished to propose an additional delivery option of 15 days of face to face and in person delivery other than 3 contiguous weeks.

Newcastle

On 13 June 2025 Newcastle responded to the LPAB's request for information of 10 April, 2025. Newcastle indicated that:

- (1) PLT teaching is face to face;³⁷¹
- (2) Mandatory advocacy assessment is conducted face to face;³⁷²
- (3) Assessment items are reviewed for plagiarism, collusion and fabrication and Turnitin text matching and AI detection software is used to review written work;³⁷³
- (4) Oral examinations may be conducted to verify authorship as may interviews.³⁷⁴
- (5) Teaching materials are updated each year;³⁷⁵
- (6) All lawyers in the PLT program hold a university law degree and are admitted and practicing with an average of 10 years current and relevant practice experience;³⁷⁶
- (7) Workplace placements are facilitated and monitored by a dedicated placement officer;³⁷⁷
- (8) Students can resubmit failed assignments a maximum of twice;³⁷⁸ and
- (9) Students receive significant support and around 95% satisfactorily complete their PLT with about 6-8 students withdrawing.³⁷⁹

The Presiding Member, Emeritus Professor Quinlan and Edward Muston met with Belinda Bennett on 7 August, 2025. Newcastle would be able to offer 15 days of their PLT program focused on Lawyers' Skills as their program is entirely taught face to face and in person.

UNSW

UNSW responded to the LPAB's request for information of 10 April, 2025 in a document titled "LPAB Request for Further information – June 2025."³⁸⁰ UNSW indicated that:

³⁷¹ Letter from Sarah Breusch, Director of Newcastle Legal Centre to the Presiding Member dated 13 June 2025, 3.

³⁷² Ibid 4.

³⁷³ Ibid 4-5.

³⁷⁴ Ibid 5.

³⁷⁵ Ibid.

³⁷⁶ Ibid 6.

³⁷⁷ Ibid 9.

³⁷⁸ Ibid.

³⁷⁹ Ibid 10.

³⁸⁰ The document is undated and not paginated.

- (1) The GDLPP currently consists of 5 days of immersive synchronous learning of 3 days online and 2 days in person, 20 hours of webinars, 55 hours of online asynchronous modules self-directed learning and 20 days of workplace placement;
- (2) Assessments are graded Competent with Merit, Competent and Not Yet Competent. Practitioner mentors provide feedback on assessments and resubmission is permitted once if a student has not met the Competency standard;
- (3) All modules are reviewed annually;
- (4) Oral assessments, which UNSW claim some providers have adopted “as a cost-cutting measure” have not been adopted;
- (5) Assessments are by way of simulated client files with weekly tasks. They are designed to be “meaningful, authentic and relevant as reflected in the diverse forms of communication, documentation and advocacy used in legal practice.” UNSW PLT assessments are “designed to shift the stress away from an extrinsic focus on grades toward developing the skills and confidence required for competent legal practice”;
- (6) Turnitin is used to detect plagiarism and unauthorised AI usage. In 2023/2024 three instances of suspected AI usage were detected by Turnitin. After discussion and investigation one was referred to a formal misconduct proceeding;
- (7) PLT academics must have a postgraduate qualification in law or the equivalent in post admission practice as well as teaching experience in PLT programs. All academic staff must have at least 5 years’ current or recent post-admission legal practice experience including graduate supervision; and
- (8) Teaching fellows are practitioner mentors and current lawyers with subject matter expertise.

The Presiding Member and Justice Kirk met with UNSW representatives³⁸¹ on 6 May 2025. The Presiding Member, Emeritus Professor Quinlan and Justice Kirk met with UNSW representatives³⁸² on 5 August, 2025. On 21 August, UNSW provided feedback indicating concerns about a mandatory three consecutive weeks of face to face delivery and indicating a preference for face to face of 10 days distributed over their PLT program if the LPAB was to mandate a face to face requirement. UNSW also provided an appendix with potential structures of PLT delivery with three consecutive face to face weeks, three weeks of face to face content distributed over the program and 10 days of face to face content distributed across the program. UNSW also indicated that time would be needed to reform their program and described their approach to PLT delivery to their sponsored law firm cohorts. UNSW also indicated that they would seek a transition period of at least 6-12 months to redesign their curriculum to reduce their workplace requirements from 40 to 15 days.

³⁸¹ Ellen Borwn, Acting Faculties General Director, Vedna Jivan and Dean of Law Andrew Lynch.

³⁸² Vedna Jivan and Dean of Law Andrew Lynch.

UTS

On 10 June 2025 UTS responded to the LPAB's request for information of 10 April, 2025.³⁸³ UTS indicated that:

- (1) There are two delivery modes for the PLT program: hybrid and online. The hybrid consists of 24 weeks on campus and 12 weeks online and the online of 12 weeks of online. Each subject includes a one hour asynchronous online lecture and two hour synchronous workshop (on campus or on-line);
- (2) Assessments include on-campus assessments (interviews, negotiations and court appearances). Written submissions are required to be submitted using the Turnitin text matching software to detect plagiarism. A Student Misconduct Officer investigates allegations of academic misconduct. Since January 2023 there have been no allegations of academic misconduct in PLT subjects;
- (3) Materials are reviewed and updated for each course before each session;
- (4) Clinical practitioners must hold a legal degree and be in current, or at least have 5 years' prior experience of, practice;
- (5) Workplace supervisors are required to confirm by signature that they agree to supervise the student and at conclusion that the placement has been completed;
- (6) Students receiving a mark of 45-49 may resubmit, at the subject coordinator's discretion, and if they pass receive a 50 Pass. Resubmission is permitted once; and
- (7) The overall failure rate in PLT subjects over the last 2 years is 2.5%.

The Presiding Member, Emeritus Professor Quinlan and members of the LPAB³⁸⁴ met with UTS representatives³⁸⁵ on 6 August, 2025. UTS would be able to offer 3 contiguous weeks of their PLT program focused on Lawyers' Skills.

Leo Cussen

On 5 June 2025 Leo Cussen responded to the LPAB's request for information of 10 April, 2025. Leo Cussen indicated that:

- (1) The PLT course is delivered in part in synchronous workshops, facilitation sessions and Mentor meetings and asynchronously.³⁸⁶ Approvingly 30% of content is delivered in person to the onsite program cohort and 17-20% delivered online in the blended and online program;³⁸⁷

³⁸³ Letter from Dean Anita Stuhmcke to the Presiding Member dated 10 June 2025. Pages are not numbered.

³⁸⁴ Edward Muston and Wen T'sai Lim.

³⁸⁵ Maxine Evers and Dean Anita Stuhmcke.

³⁸⁶ Letter from George Bartzis, Legal Counsel, Leo Cussen to the Presiding Member dated 5 June, 2025, 29.

³⁸⁷ Ibid 17.

- (2) All assessments are competency based and involve students demonstrating their competency in “authentic client-based scenarios”;³⁸⁸
- (3) Leo Cussen applies an Academic Integrity Policy. Students must complete 5 live viva appraisals responding to questions in real time and live one-to-one coaching sessions;³⁸⁹
- (4) “Students are encouraged to collaborate on tasks and to solve problems together [to] replicate the collegiality of the firm environment”;³⁹⁰
- (5) Academic integrity allegations are raised first with the responsible mentor and if after discussion no breach can be substantiated the student will be counselled and the investigation closed. In 2023 and 2024 no allegations of academic integrity were investigated by Leo Cussen relating to NSW and no breaches were recorded;³⁹¹
- (6) The current learning materials were created in late 2022-early 2023 and have been incrementally amended in a continuous improving program since;³⁹²
- (7) Students who submit a task marked Not Yet Competent can re-submit and are given detailed feedback by their Mentor.³⁹³ Given the Mentor’s detailed feedback and guidance “[i]nvariably, the vast majority of students who submit will attain Competency due to the guided nature of the Mentor’s feedback.”³⁹⁴ In this context Leo Cussen say that:

It is important to remember that a significant number of students in the Course come from a low knowledge base of practical skills as the majority of them are youthful school leaver entrants having completed law school. As such they lack workplace experience and knowledge and invariably must be guided as to how to approach practical legal tasks.³⁹⁵
- (8) In 2023-2024 Leo Cussen did not record any NSW students as Not Yet Competent or failing. In 2023 in NSW 2 students deferred and 3 withdrew. In 2024, 4 NSW students deferred and 1 withdrew;³⁹⁶
- (9) Mentors teaching into to their PLT program must hold a law degree and current –practising certificate and (with limited exceptions) have at least 10 years’ post-admission experience in legal practice. Preference is to given to Mentors with post-graduate qualifications in law or in education and training;³⁹⁷

³⁸⁸ Ibid 19.

³⁸⁹ Ibid 20.

³⁹⁰ Ibid 27.

³⁹¹ Ibid 28.

³⁹² Ibid 21.

³⁹³ Ibid 33.

³⁹⁴ Ibid 34.

³⁹⁵ Ibid 33.

³⁹⁶ Ibid 36.

³⁹⁷ Ibid 23, 27.

- (10) Supervising lawyers must hold a law degree and current –practising certificate and have at least 5 years’ post-admission experience in legal practice. Preference is to given to Mentors with post-graduate qualifications in law or in education and training;³⁹⁸ and
- (11) Work placement supervisors must hold a current practising certificate as a Government lawyer exemption, have at least 3 years post-admission experience, be of good standing in the profession and agree to follow Leo Cussen’s relevant Guidelines.³⁹⁹

On 15 July 2025 the Presiding Member, Wen Ts’ai Lim and Edward Muston met with Shirley Southgate of Leo Cussen. Southgate indicated that:

- (1) There would be access and equity concerns with a mandatory week intensive face to face component of PLT. As Leo Cussen teach skills across the program it would be preferable to teach face to face components spread across the program
- (2) Leo Cussen delivers in three modes: on site, blended (10 days on site) and 100% online.

On 29 July 2025 Shirley Southgate, Executive Director, Leo Cussen wrote to the Presiding Member indicating that:

- (1) Leo Cussen presently required 10 days of face to face learning in the GDLP with this occurring in person in the onsite and blended modes and synchronous on-line in the online mode.
- (2) in their view a 3 week intensive at the commencement of a PLT program would not be optimal and splitting the face to face in person learning into 3 one week blocks across the program would be preferable.
- (3) if mandatory face to face and in person learning was mandated provision for exceptions (illness, disability etc) would be appropriate;

On 14 August 2025 the Presiding Member, Justice Kirk and Emeritus Professor Quinlan met with Shirley Southgate of Leo Cussen. Leo Cussen are to provide further details on the suggested exceptions from mandatory in person attendance (such as disability, illness etc), a proposed syllabus and details on when they might be able to offer 15 days of face to face and in person delivery of their PLT program focused on Lawyers’ Skills.

APAC

APAC is not currently an accredited PLT Provider in NSW but is seeking accreditation. Representatives of APAC met with the Presiding Member and members of the LPAB on 16 July 2025. This meeting was followed by a letter dated 29 July 2025. The Presiding Member, Emeritus Professor Quinlan and members of the LPAB⁴⁰⁰ met with APAC representatives⁴⁰¹ on 12 August,

³⁹⁸ Ibid 23.

³⁹⁹ Ibid 30.

⁴⁰⁰ Justice Kirk, Edward Muston and Wen T’sai Lim.

⁴⁰¹ Lucy Scultz, Lara Jacques, Christopher Klopper and Desi Vlahos.

2025. This meeting was followed by a letter dated 15 August 2025 which included a program syllabus. If accredited APAC would be able to offer 15 days of their PLT program focused on Lawyers' Skills face to face and in person in Sydney and propose doing so in a five day consecutive intensive in Week 1, followed by five two-day (Friday-Saturday) intensives spaced across a fourteen week period.

Attachment F: Feedback from meetings with law schools

Consultations were held with most NSW law schools. A summary of these consultations is set out below.

Macquarie University

The Presiding Member and a judicial member of the LPAB met with representatives of the Macquarie University law school (Macquarie).⁴⁰² Macquarie is not presently looking to introduce to GDLP or a GDLC having regard to factors including their student and staff numbers.

All Macquarie law students complete the mandatory Priestley 11 content in ethics and professional responsibility in a first year unit. Students are also required to complete a Professional and Community Engagement (PACE) course for credit. PACE can be completed in two pathways. One involves an 80 hour placement in which the student is supervised a lawyer with a current practising certificate. In this unit students also complete academic work in which they engage with the solicitors rules of conduct, general principles and ethical responsibility. In the second stream, rather than a placement, students complete a project with an external partner such as the NSW Land and Environment Court. Under academic supervision students produce a work product for an external partner.

The third year unit in civil and criminal procedure is also a practical unit encompassing practice based tasks, including practical task for court, which reflect what graduate lawyers might be doing.

Macquarie is looking at restructurings its law degree and can review the placement of Priestley 11 and practical content.

The Macquarie representatives considered that students are motivated now to understand the link between theory and practice and that law schools are responding to take a practical approach in their law degrees.

Australian Catholic University (ACU)

A judicial member of the LPAB met with representatives of the Thomas More Law School at ACU.⁴⁰³ ACU law students must complete LAWS213 *Community Legal Engagement Pro Bono* as part of their law degree. Whilst this course does not attract credit it is mandatory. It consists of a theoretical component introducing students to work culture and a work experience practical component. Whilst the work experience component can be completed at any time during the degree students are encouraged to complete this component in the later stages of their law degree. It requires students to complete at least 80 hours of work which could consist, for example, of 1-2 hours of volunteering at a community legal centre over a year. Student feedback

⁴⁰² Dean Lisa Barry, George Tomossy and Amanda Head.

⁴⁰³ Interim Dean Associate Professor Dr Kunle Ola and Interim Deputy Dean, Senior Lecturer and Course Coordinator David Spencer.

ifs that this course provides the critical link between theory and practice and enables them to do what they have spoken about in their degree.

Legal Ethics and Professional Responsibility is generally completed in the penultimate year of a five year double degree or in final year of a three year graduate entry LLB or four year undergraduate entry LLB.

Actual contracts or at least contractual provisions have been included in ACU's contract course.

One of the ACU representatives commented on the current lack of scaffolding or communication between law schools and current PLT providers. He expressed the view that it would be logical for practical and theoretical content to be covered together – for example theories in Evidence and practical skills in Advocacy, drafting pleadings in Civil Procedure or teaching students how to do a bail application if not to make one in Criminal Law. The representative thought that the law degree would be the logical place to locate some of the curriculum presently covered in PLT to that doctrinal rules and practical skills are studied at or near the same time rather than some years apart.

University of Wollongong (UoW)

The Presiding Member and a judicial member of the LPAB met with the Dean of Law representatives of the UoW law school.⁴⁰⁴ The UoW law degree is very practical. It embeds skills throughout the degree and requires all law students to complete an unpaid 20 day internship. This subject attracts standard credit points (6) for a UoW law subject. It involves a 3,000 word reflective journal, assessments drawing on knowledge of ethics, equal opportunity, admission and disclosure requirements. If completed within 2 years of PLT it can be credited towards PLT.

A number of subjects have problem based assessments (such as moots in *Administrative Law*), problem questions in which student provide clients with advice, interview type assessments and in class participation. All law students complete a standalone skills subject which seeks to teach the skills needed to be a lawyer including research skills. In third year all law students complete the *Advanced Legal Skills* subject where they draft mediation documents and complete a plea or bail application.

UoW would be open to an integrated model but noted that with mandatory Jurisprudence, internships and skills courses they already offer fewer law electives – particularly for those students who are invited and choose to take their degree with Honours - than they would prefer.

Western Sydney University (WSU)

The Presiding Member met with the Dean of Law representatives of the WSU law school.⁴⁰⁵ WSU is currently reviewing curriculum to ensure that assessments are “authentic.” They have previously concluded not to introduce a GDLP or GCLP. WSU already has a focus on showing law students how to apply their knowledge in practice and their assessments reflect this. In Criminal

⁴⁰⁴ Dean Dilan Tampapillai, John Littrich, Pariz Lythgo-Gordon, Sarah Wright and Trish Mundy.

⁴⁰⁵ Dean Catherine Renshaw, Associate Dean of Learning and Teaching Juliette Overland, Lowell Bautista and Rebecca Dominquez.

Law students complete a bail application with retired magistrates and judges judging the assessment. WSU relies on sessional staff drawn from the profession – including current judges – in their teaching. Students see a contract (such as a telco plan contract) early in their degree and analyse it. In Criminal Law 30% of the assessment is a court reflection and students complete a moot. Vivas are used in many assessments. Alternative Dispute Resolution includes 1 45% ADR role play assessment.

Ethics is taught early in the degree. Civil Procedure is taught in third or fourth year. Evidence and Procedure are taught in final years and courses which teach other elements of PLT could also be taught in the later stages of their degree. Access to Justice (where students participate in a Legal Clinic) and Legal Internship (where students complete a 12 day placement in a firm, with a legal team in government or in a corporate) are final year courses.

The University of Sydney (Sydney)

The Presiding Member met with representatives of the Sydney law school⁴⁰⁶ and has also received a letter from the School together with program structures for the new curriculum introduced for 2025.⁴⁰⁷ The School’s “focus is on equipping students with disciplinary knowledge of appropriate breadth and depth as well as fundamental, adaptable skills of oral and written communication, legal research, problem solving, analysis and critical thinking...There is relatively little focus in [the] curriculum on practical assessments that might constitute or meet expectations of practical legal training. This is because there has been, to date, an expectation that students will receive the bulk of this training following graduation through formal courses of practical legal training and/or through on-the-job training.” The School does assess problem solving extensively as well as lawyer’s skills and ethics and professional responsibility.

Following a three year curriculum review the LLB and JD curriculums have been refreshed after consultation with the profession. This has included growing opportunities for students “to build and demonstrate ‘soft skills’ including oral communication and interpersonal skills, cultural competence and the ability to communicate with people from different backgrounds and...to work within a team.”

Sydney law students have two work integrated for credit law elective options: Law and Social Justice Clinic (Clinic) and Legal Internship Unit (Internship). These are offered in Year 3 in the JD and in Year 5 in the LLB. In Clinic students work in community legal centres or other social justice legal practices for a minimum of 70 hours and attend 20 hours of classes on social justice theory and issues. Students complete a number of assessments. Students have more options for placement in the Internship unit although placements must have a public interest or law focus and cannot be commercial placements. Students complete a minimum of 84 hours of placement and 20 hours of class. Again students complete a range of assessments.

Sydney law students may also enrol in an interdisciplinary Industry and Community Project Units for credit. Students may also complete not for credit internship organised by the School’s research centres. The School also supports extracurricular internships by mobility scholarships

⁴⁰⁶ Cameron Stewart and Head of School and Dean, Professor Fleur Johns.

⁴⁰⁷ From Head of School and Dean, Professor Fleur Johns dated 28 May 2025.

and two PLT scholarships per annum to support students completing their PLT internships with the Redfern and Marrickville legal centres.

An overwhelming majority of Sydney's continuing staff have experience in the legal profession in Australia or overseas. Sydney staff include casual staff who are overwhelmingly current or former practitioners including judges, barristers, solicitors and arbitrators. Current and former members of the profession deliver guest lectures and coach and judge mooting teams. The School also has two practitioner in residence programs with two First Nations practitioners and two public prosecutors. Students also have access to the University's Careers Centre, to regular law career events and to themed alumni career panels. In second semester 2025 the School is establishing a new, in-house Law School Career Program Director.

Lawyers, Justice and Ethics is taught in second semester first year but ethics comes up in context in *Evidence*, *Administrative Law*, *Public International Law*, *Public Law* and *Statutory Interpretation*. Civil and Criminal Procedure is now split into two subjects with *Criminal Law Process and Research* completed in Year 2 in the LLB and *Civil Dispute Resolution* in Year 4 when *Evidence* is also taken in the LLB. In the JD, *Criminal Law Process and Research* is completed in Year 1 and *Civil Dispute Resolution* in Year 2 when *Evidence* is also taken in the JD.

Charles Sturt University (CSU)

The Presiding Member met with representatives of the CSU's Centre for Law and Justice⁴⁰⁸ and has also received an email with a PowerPoint presentation summarising the practical content in their law degrees.⁴⁰⁹ CSU is completely online with permanent staff in Bathurst, Port Macquarie and Canberra. Most students study a straight law degree.

Practical content

CSU's law degrees feature a significant volume of practical content and assessments:

- LAWS112 *Introduction to the Australian Legal System* features an interactive oral assessment, a case summary and the preparation of a legal memorandum;
- LAWS113 *Criminal Law* features an interactive oral assessment;
- LAWS114 *Law of Torts* is a first year subject which includes the critique and preparation of a case note;
- LAWS116 *Writing and Communication for Legal Professionals* is a first year course which includes a pre-recorded guilty plea as assessable content and also covers the Solicitors Conduct Rules, legal research skills, legal drafting, client interview techniques and negotiations skills;

⁴⁰⁸ Director of the Centre for Law and Justice Duane Aslett, Emma Colvin, Jennifer Hartley, Mark Nolan, Haley Mc Ewen and Lisa Coates.

⁴⁰⁹ From Associate Professor Duane Aslett to Associate Eden Blair dated 20 June 2025.

- LAWS212 *Evidence Law* involves legal research in a simulation in which the student is a legal intern in a criminal law firm;
- LAWS213 *Criminal Procedure* includes an oral bail application and a legal memorandum drafted as a junior prosecutor based on a police brief;
- LAWS216 *Property Law* includes the provision of resources on PEXA, Info track and other conveyancing and mortgage tools which are referred to in the teaching. The assessments include drafting a legal memorandum;
- LAWS217 *Civil Procedure* includes a pre-recorded interlocutory application;
- LAWS218 *Equity and Trusts* includes an interactive oral role play;
- LAWS308 *Constitutional Law* includes an interactive oral or written assessment;
- LAWS309 *Professional Legal Conduct* includes drafting a letter to the President of the NSW Law Society and an oral exam;
- LAWS311 *Administrative and Government Law* has included preparing a letter of advice and a legal memorandum;
- LAWS313 *International Public and Private Law* involves preparing written responses on behalf of the UN to a detailed legal scenario; and
- LAWS314 *Community Law and Culture: Regional, Remote and Indigenous Contemporary Issues* is a compulsory third year capstone course which attracts double credit points. It develops reflective skills, self-awareness and self-reflection. The subject aims to prepare students to practice in regional or remote practice. There are career development opportunities and students are invited to undertake personality tests and to think about where they want to go with their law degree. There are also assessments involving research and law reform proposals. These include group work given that collaboration is an important part of legal practice.

Students may also choose elective law courses which also include practical assessments.

Students may also complete a, (currently not for credit in the law degree) internship at Community Legal Centres in Port Macquarie or Bathurst. Students completing *Bachelor of Criminal Justice* with their law degree can obtain credit for their internship in their second degree.

CSU is interested in the potential to provide PLT and is focused on training regional lawyers.

UNE

Professor Alpana Roy, Head of School –Law at UNE wrote to the Presiding Member on 17 July 2025. The Presiding Member met with representatives of the UNE⁴¹⁰ on 6 August, 2025. UNE offers three trimesters a year. UNE law degrees include a number of compulsory courses with practical content including:

- LAW102 (*Legal Professional Skills*) in first year which addresses ethics and some skills and is taught in every trimester;
- LAW283 Property Law in which students are forced to read cases;
- LAW480 (Remedies and Advanced Legal Skills) and LAWS499 (Technology and the Law) are fourth or fifth year courses which cover the practicalities of making an appeal application, digital research, using AI, time management including efficient digital research and research skills and legal communication and the impact of modern technology on lawyers and their clients; and
- LAW480 (Remedies and Advanced Legal Skills) includes oral submissions as an advocate in a Moot Court which is worth 40%.

Law students at UNE engage with ethics again at the end of their degree in the compulsory course LAW360 *Professional Conduct*. This course, at the moment, is theoretical and involves assessment tasks and students going through case law and scenarios in which ethical issues have arisen for barristers and solicitors.

UNE offers as an elective LAW157 *Alternative Dispute Resolution* which includes negotiation and mediation. UNE also offers LAW306 (*Law Experiential Learning*) as an elective course in which students engage in experiential learning and complete various assessment tasks – including a presentation and maintaining a reflective journal - and work in a firm with a supervising lawyer. Half of the assessment in the course is the supervisor’s assessment of the student. A major program review is planned at UNE and the School is very open to including more practical content in their courses.

UNE has previously considered offering PLT but has not planned to do so given resourcing, staffing and budgetary constraints. If required by the LPAB, with sufficient lead time, UNE could introduce a face to face coverage of lawyers skills such as the ability to conduct a negotiation, letter writing skills, the basis ethics of conflicts of interest and the Solicitors’ Rules.

University of Southern Cross

Southern Cross were requested to consult with the LPAB on multiple occasions but did not take up the opportunities presented.

Notre Dame

⁴¹⁰ Professor Alpana Roy, Head of School, Kathy Johnson, Course Manager, Dr Kit Warren, Chair of School Education Committee, Education Committee and Course Coordinator and Guy Charlton, Deputy Head of School.

The Presiding Member and LPAB members met with Notre Dame's National Head of School, Law and Business, Professor David Carter, on 28 August 2025. Professor Carter indicated that Notre Dame was committed to authentic learning and assessment. He referred to practical assessments forming part of their law degrees including contract drafting in Contracts, problem scenarios in Property Law critiquing lease agreements, mock trial and alternative dispute resolution as examples. Professor Carter referred to ethics being addressed in final year in the compulsory Commercial Practice and Ethics course and noted that ethics featured elsewhere in Notre Dame's law degrees including in the compulsory Legal Philosophy course. He agreed that law students gaining experience working in the profession whilst completing their law degree was valuable and referred to the School's mentoring program for students and to a high percentage of students (about 60%) engaged in casual work whilst they were studying. Professor Carter thought that Notre Dame could teach a 2/3 week course in legal skills very easily given the former legal practitioners teaching in the School. He noted that teaching such a course as a microcredential would require some internal regulatory development.