

24 October 2025

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Dear Dr Popple

Reform to Practical Legal Training

1. I refer to correspondence from the Law Council of Australia dated 2 October 2025, seeking the Law Society's feedback on a Discussion Paper on Practical Legal Training (PLT) Reform from the Legal Profession Admission Board of New South Wales (LPAB).
2. We note that the Discussion Paper arose subsequent to the LPAB survey of the NSW legal profession, published in April 2025, in relation to their experiences of PLT. We note that the Law Admissions Consultative Committee (LACC) and the Legal Services Council are also in the process of developing a national review of PLT.
3. While the Discussion Paper focuses on NSW and the application to Uniform Law jurisdictions, the South Australian legal profession has a keen interest in the quality and effectiveness of PLT for graduates entering the profession. For this reason, the consultation has been circulated to all the of the Society's Special Interest Committees and the Ethics and Practice Committee, for comment. The Society received a significant response from across the profession.
4. We note that the Discussion Paper canvases a range of options for reform of PLT, and that (of those options) the preferred option for NSW as posed by the Discussion Paper includes:
 - mandating that PLT providers deliver three weeks face-to-face in-person teaching, commencing 2026 for a trial period of two years, and includes compulsory attendance requirements;
 - a reduction in the number of days of required work experience from 75 days to 15 days;
 - a review of the skills and competencies needed, separating those generic skills essential for admission, and those best learned post admission;
 - introduction of embedded practical legal training into Priestley 11 courses taught at universities;
 - introduction of a mandatory capstone PLT course as part of a degree program;
 - removal of PLT requirements to be taught at any level determined by the Australian Quality Framework;
 - the introduction of restricted practice CPD requirements taught by the relevant Law Societies, self-funded by participants or paid for by their employers;

- a requirement for enhanced employer and supervisor involvement in mentoring; and
 - enhanced requirements for practice management certification, including trust account.
5. The South Australian PLT requirements contained in Appendix B of the Rules of the Legal Practitioners Education and Admission Council (the LPEAC Rules), and are based on the national Law Admissions Consultative Committee (LACC) requirements. In South Australia, PLT includes a minimum 15 days of work placement, with a requirement that the placement is approved by the PLT provider. We understand that PLT providers have differing requirements with respect to the duration of work placements.

Comments on the current PLT arrangements

6. The current PLT requirements which are based on national principles have been largely effective for a long period of time as evidenced by the calibre of the legal profession. The comprehensive undergraduate law degree that precedes PLT is based on strong foundations that teach key principles applicable to a diverse array of career options that are available to those with a university law degree. Given this, a review of PLT is timely to ensure that emerging lawyers are properly equipped with the practical skills that transition them from academic university study to active, well-supported professional life in the practice of law. Such review, as discussed below, may necessarily require a review of the undergraduate law degree which, whilst academically comprehensive, may benefit from integration of some aspects of PLT to better support students in a transition to practice at the earliest opportunity.
7. When PLT works effectively, practitioners observe that it provides students with experience in almost everything a general practitioner would undertake in legal practice (even billing and keeping general and trust books of accounts). Feedback from experienced practitioners considered that, following the completion of full-length PLT, they were equipped to commence practice. They noted the high quality and dedication of teaching staff, and the utility of being able to consult the legal practitioners who had lectured in the PLT Course for advice. By doing a great deal of community/legal aid work voluntarily at the Courts and some paid work they considered that they gained significant hands-on practical experience.
8. It is perhaps inevitable that consultation of this nature focuses more on criticism of the *status quo*, with many of the Society's Members reflecting the view expressed in the Discussion Paper that the current PLT is not working as it should. Comments from Members include:
- PLT is considered a box-ticking exercise.
 - Many of the subjects are inapplicable to students' future areas of practice.
 - The current PLT course is treated as a transactional necessity to be a lawyer and not as a genuine learning experience.
 - Completion of PLT is not an indication of a student's readiness to practice as a lawyer.
 - The quality of graduates is not solely about PLT programs.
 - Most lawyers learn on the job irrespective of what they have picked up from PLT.
 - The current PLT format is past its use by date and costs far too much for what it delivers.
 - Students would learn more in a few weeks in a firm than in PLT.
 - PLT takes far too long and is not overly valuable.
 - PLT cannot, nor should it, be a catch all for all areas of practice.
 - Our attention should be on how a lawyer is supervised after admission which is often the more problematic area.
 - PLT courses are getting shorter, can be predominantly online (although not all are) and are of variable quality.
 - Some PLT courses are cost prohibitive unless law firms pay the course fee for students undertaking a clerkship with that law firm.
 - Good quality PLT is expensive to deliver.

- It is simply very difficult to teach practical legal skills: spending just a week or two ‘on the job’ can significantly advance a student’s understanding beyond the teaching expectations in the PLT unit. That does not mean that PLT has no value, because the training received in some aspects of legal practice (stamp duty, in particular) may be the only exposure a student has for some time, and some exposure is better than none.
 - There is no requirement for PLT teachers to hold a tertiary teaching qualification.
 - The current system is not doing enough to support students to carry out legal work, in terms of curiosity, investigation, broad research, and collaborative communication.
9. The Society’s Small Practice Committee (representing law firms of 1 to 5 practitioners) provided the following comments in relation to the current PLT):
- 9.1. Concern that any reduction in placement time for students will reduce the quality of the professional experience they end the course with prior to commencing in the profession.
 - 9.2. Concern at the current lack of oral and written capacity of students and view any reduction in teaching time will exacerbate that issue for many.
 - 9.3. Concerned that students who qualify under the current PLT lack skills in how to handle and run a file.
 - 9.4. Concern at the lack of explicit teaching on the use of Artificial Intelligence in legal practice.

Integrating more practical learning into core law degree topics

10. A significant number of comments from Members echo the recommendation of the Discussion Paper, that the foundational law degree at university should offer more practical training, with a particular focus on improving the practical relevance and applicability of legal education and ensuring law graduates are genuinely “practice ready”. They noted the value of the training opportunity provided by clinical work undertaken during the law degree. To the extent that more clinical offerings can be incorporated into the law degree, it is considered that this could provide better training in the ‘practical’ sense than perhaps the PLT does or can do. If students can earn credit towards their degrees through clinical work, this would help with some of the concerns with PLT around costs, accessibility and the thorny question of graduates working for free. It is also beneficial to the community to offer legal services to those who might not be able to afford private legal assistance but do not qualify for legal aid and instils in the students, the importance of access to justice.
11. Universities can offer practical training such as mooting, client interviews, witness examination, mock negotiations and mediations, which provide immensely useful practical experience and emphasises the value and importance of meaningful education in the university context to address the core needs of graduates as they move to practice or indeed into other careers. It could assist students to develop their professional skills earlier and would better link theory to practice.
12. Members who commented on this issue consider that the ‘Priestley 11’ topics in particular would be improved by incorporating more practical components. To embed practical components into Priestley 11 topics would likely require a significant amount of work to review the current requirements for these topics, to ensure that there is a manageable balance between the theoretical and practical components. It might also raise resourcing challenges, to ensure that academics have the necessary experience to teach the practical elements effectively. There is a potential opportunity for closer collaboration between universities and the legal profession to bridge this perceived gap.
13. As an example from the South Australian context, a core component of the Flinders University law degree is that students undertake a semester-long clinical placement at the Flinders Legal Centre. They are involved in conducting client interviews, gathering and reviewing evidence, undertaking legal research and preparing advice for clients (under the supervision of practising lawyers) across a broad range of civil / commercial matters. This hands-on experience is highly regarded by the students and has a noticeable impact on their confidence, communication skills, ethical awareness and problem-solving ability (amongst other things).

Teaching of Alternative Dispute Resolution (ADR)

14. The Society's ADR Committee considers that the current PLT training does not adequately address the teaching of ADR training and skills.
15. The Society's ADR Committee noted that the Priestley 11 core subjects were developed at a time when contested applications and trials were common, and ADR practices were still developing. ADR concepts and practices are now recognised as central to legal practice and mediation and other non-determinative dispute resolution processes are no longer the alternative, but the norm. In addition, formal ADR accreditation is a pre-requisite to appointment to some private and public panels and positions, including judicial and quasi-judicial roles.
16. The Society's ADR Committee considers it incongruous that civil procedure, trial preparation and court room advocacy remain a focus of university and PLT programs in circumstances where:
 - solicitors' and barristers' Conduct Rules require practitioners to advise clients regarding all dispute resolution process options and the benefits of negotiated outcomes;
 - pre-action processes and messaging from Courts strongly encourage, if not require, efforts to engage in negotiations and non-determinative dispute resolution processes before action is commenced;
 - following the commencement of action, mediation has become compulsory in many Court streams and is strongly encouraged by Courts where not compulsory;
 - only a small percentage of filed civil actions proceed to trial;
 - there is a growing number of areas where mediation and other non-determinative dispute resolution processes are prescribed by legislation;
 - practitioners are spending far more time negotiating, engaging in pre-action dispute resolution processes, and attending mediations and other non-determinative dispute resolution processes than ever before.
17. The Society's ADR Committee considers that before entering practice, PLT students should:
 - understand that only a small number of practitioners spend time preparing for and attending court;
 - have knowledge of all determinative and non-determinative processes;
 - understand the benefits and weaknesses of all determinative and non-determinative processes; and
 - appreciate that acting in a client's best interests (as is their duty) requires an understanding of their client's motivations, objectives, capacity and interests (in addition to legal arguments, merits and relief that may be available).

Comments on the Preferred PLT reform option

18. The LPAB Discussion Paper proposes a preferred PLT option being a shorter pre-admission requirement and greater post-admission requirements, with an intensive 2-3 week teaching period and a reduction in the number of days of required work experience from 75 to 15 days (at least in the NSW context, noting that in South Australia currently the work experience component is specified in the LPEAC Rules as a minimum of 15 days).
19. Some members consider it to be a very positive development that changes are even being considered, and the scrutiny is long overdue though numerous comments were received in respect of the preferred option.
20. Members expressed support for changes that would result in a less expensive course that is more focussed on essential skills. They considered that it is timely that a broad National review is

undertaken regarding entrance qualifications, course content, and the standard of practical legal training.

21. Criticisms of the proposed option include:

- that a reduction in the number of days of required work experience, from 75 to 15 days, seems to be at odds with suggestions that new graduates entering the profession are not “practice ready”;
- concern that a three week “trial period” is likely not sufficient to prepare a new graduate for ongoing, full-time work in the profession;
- query whether this 3-week period may cause difficulty for any new graduates who are already employed prior to undertaking PLT, and therefore require time off work to comply with this requirement. Perhaps there could be some flexibility as to how this is met;
- the proposal is unlikely to cover reasonably comprehensive practical legal training when conducted full-time over only say 5 days with other out of session education and online offerings over relatively short periods of time;
- if substituting PLT for more onerous CPE requirements in the first few years of practice, there would need to be safeguards in place to make sure that those new CPE requirements don’t become another box-ticking exercise; and
- whether there is a need for PLT teachers to hold a tertiary teaching qualification. In other words, should PLT teachers should have training in pedagogy in addition to their practical legal experience.

22. Members commented that it would be imperative for both the pre-admission and post-admission skill development to include aspects of AI and utilisation of same in legal practice. Specifically, it would be prudent for PLT reform to explore the confidentiality concerns and risk of hallucinations (at least) as a pre-admission requirement and then generally, effective use of AI in the profession as a post-admission requirement.

23. The Society’s Aboriginal Issues Committee expressed support for cheaper and more accessible PLT requirements which support more Aboriginal law students to enter the profession. A participant in the Aboriginal Law Students Mentoring Program notes that Aboriginal law students can have extra challenges to meet requirements for unpaid work experience, inflexible contact hours and CBD-only based instruction.

Financial impact of proposed reforms

24. The proposed model considers reducing barriers to entry for junior lawyers who are currently commencing practice with excessive debt, by shifting some of the financial cost of becoming a lawyer from a HECS/HELP framework to a self-funded capstone course or additional CPD requirements during restricted practice years. Some members considered that, in practice, this may create a different kind of barrier for junior lawyers, especially those working in small firms, community legal centres or regional practices, where employers may not subsidise these costs.

25. Other members considered that a reduction in fees for a PLT course with appropriate accreditation standards being taken into account is an appropriate pathway. They support modest proposals to reduce the cost of PLT and remove barriers to entry for students. They acknowledge that changes to the pre-admission and post-admission work requirements may place further burdens on mature students who can face difficulties from lengthy supervised practice requirements while continuing to work in their long-term employment.

Supervision / supervisors

26. Feedback from members commented on the critical role of the quality of supervision, both under the current PLT arrangements and in relation to proposed reform.

27. There was general support expressed for the proposal to require the profession to take on a more active role in training and mentoring graduates. Increasing the structure of the mentoring and supervision framework during restricted practice years, particularly if there were a move towards a shorter pre-admission requirement and a greater post-admission requirement, would be crucial.
28. Members who have previously taken a supervisory role commented on the burden for supervisors and the difficulties posed by accepting a supervisory role where small firms or community legal centres experience pressure on limited resourcing. They consider that it would be exacerbated by having a shorter, intensive PLT period as opposed to spreading supervision across the year. Additionally, they comment on the difficulty of finding sufficient supervisors for the number of law graduates each year, with up to a hundred applications for each one placement available.
29. Another concern raised by some members, is ensuring that supervising practitioners are adequately trained and supported to provide supervision.
30. Whilst in South Australia, there are various rules and guidelines setting out the requirements for supervised practice, including under the 2018 Rules of the Legal Practitioners Education and Admission Council (LPEAC) (LPEAC Rules),¹ LPEAC's Requirements for Supervised Practice,² and (somewhat indirectly) under Rule 37 of the South Australia Legal Practitioners Conduct Rules,³ the basic requirements are that a supervisor have been in practise for five years and hold an unrestricted practising certificate.⁴ The LPEAC Rules also set out the standard and expectations of supervision in PLT workplace experience placements,⁵ which more stringently define eligible supervisors to, in addition to the foregoing:
- not have been the subject of any finding by a relevant court, licensing authority or disciplinary body under any law relating to the legal profession that, in the opinion of the approving body, makes it inappropriate for that person to act as a supervisor; and
 - demonstrate to the satisfaction of the approving body that the legal practitioner will be in a position to devote adequate time to supervising the work experience of a relevant applicant.
31. Notwithstanding the rules and guidelines, save for a declaration that supervisors will be able to meet the expectations required of them, there may be little to no interaction with, or oversight by, the PLT provider, to provide adequate support on the supervision requirements. Whilst this may, understandably, be causative of a reliance on the declarations made by the supervising practitioner, which are expected to be provided with the requisite level of professionalism as required of a legal practitioner, it is observed that legal practitioners, whilst technical experts in their fields, may not necessarily have (similarly to foregoing comments in respect of PLT teachers) background education in training and development to assist them in practically imparting that expertise onto others.
32. In this regard, not only in the scenario where skills are developed more comprehensively in the post-admission period, but importantly in the current situation of PLT and supervision requirement, supervisors would be supported by guidance on how to appropriately supervise new lawyers to ensure that the basic competencies being developed are consistent across the cohort, and an oversight mechanism to ensure that the required competencies are being developed and assessed in a meaningful way. Some members also recommend that supervising practitioners, be encouraged or required to undertake a basic level of education in training and development, whether as a part of continuing legal education or offered by PLT providers.

¹ <https://www.courts.sa.gov.au/wp-content/uploads/wp-download-manager-files/court-rules/07-lpeac-rules/LPEAC%20Rules%202018.pdf> (**LPEAC Rules 2018**).

² <https://lssa.informz.net/lssa/data/images/Website/EPU/LPEACRequirementsforSupervisedPractice.pdf>,

³ <https://lssa.informz.net/lssa/data/images/Website/Misc/SALPCR%20-%201%20January%202022.pdf>

⁴ LPEAC Rules 2018, sub-rule 5(1)(b).

⁵ LPEAC Rules 2018, sub-rules 4(5) and 8(3)(b).

33. There also remains a risk that a 'tick-box' approach to supervision requirements may be adopted in either pre-admission work experience or post-admission supervision.

General Comments

34. This is an interesting development that elicits strong views across the profession and which the Society will continue to monitor closely.

35. The Society is concerned that premature reform efforts may risk overlooking the complexities of challenges with the content and delivery of PLT, and notes the importance of fully understanding and analysing the underlying problems before formulating solutions.

36. In all likelihood any reform measures will need to consider the legal education spectrum holistically, and not just PLT in isolation. Law Societies, universities, PLT providers and the legal profession will all have an important role in this ongoing discussion.

I trust these comments are of assistance in the development of the Law Council's submission.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marissa Mackie', with a long horizontal flourish extending to the right.

Marissa Mackie
President