

LAW SOCIETY OF NEW SOUTH WALES
SPECIALIST ACCREDITATION CONFERENCE

The Hon A S Bell
Chief Justice of New South Wales

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ICC, Sydney, New South Wales

**An update to the profession on the review and reform of
Practical Legal Training**

Introduction

- 1 I begin by acknowledging the traditional custodians of the land on which we meet today, the Gadigal of the Eora Nation, and pay my respects to their Elders, past and present, and all First Nations people.
- 2 I thank the Law Society for inviting me to give this address at the opening of the annual Specialist Accreditation Conference. It is encouraging to see so many in attendance.
- 3 The specialist accreditation program constitutes an important component of the Law Society's work. It allows practitioners who have successfully navigated and satisfied the structured assessment process leading to accreditation to hold themselves out as specialists in particular areas of practice. This is no light matter and the granting of such status requires that the path to accreditation be rigorous. After all, it constitutes a representation by the Law Society that the accredited practitioner warrants the designation of a specialist in a particular area of practice.

- 4 Specialist accreditation also carries continuing obligations as a condition of maintaining that status. That includes the continuing specialist educational sessions which form part of today's program.
- 5 Admission to the legal profession *a/so* involves a holding out that a lawyer of the Supreme Court of New South Wales is competent and has met the requirements for admission to practice stipulated under the Uniform Law Admission Rules and by the Legal Profession Admission Board (LPAB).
- 6 Some of you may have been present at the Opening of Law Term dinner in early February of this year when I delivered a speech entitled "Present and future challenges to the rule of law and for the legal profession".¹
- 7 My address on that occasion covered a range of topics but finished with the topic of Practical Legal Training (**PLT**). It focussed, in particular, on the costs of PLT which had increased in 2024 to a level that I considered wholly unacceptable and as creating a real barrier to entry to the legal profession, to the particular disadvantage of those who wished to work in the public sector where the possibility of subsidy by current or future employers was not available.
- 8 And I did not and do not regard the availability of FEE HELP - a variant on HECS - to some but by no means all prospective lawyers undertaking PLT as justifying the fees being charged. For a host of reasons, it is far from ideal that young lawyers start their careers with six figure higher education debts.
- 9 My intervention was also animated by the huge financial reserves that had been built up by the College of Law and anecdotal but regular accounts of dissatisfaction with the quality of PLT being provided by some providers, especially in view of the money being charged for it.

¹ <https://supremecourt.nsw.gov.au/documents/Publications/Speeches/2>

The Survey

- 10 I wish to take the opportunity this morning to bring this audience up to speed with what has occurred in relation to the review and reform of PLT since my speech in February. The short answer is “a great deal”, thanks largely to the extraordinary hard work of many but Justice Tony Payne, the Presiding Member of the LPAB, Justice Jeremy Kirk and Emeritus Professor Michael Quinlan in particular.
- 11 In my February speech, I announced that a survey would be conducted on behalf of the LPAB of graduates and supervisors in relation to their experiences of PLT (**the Survey**). The results of the Survey were released on 14 April 2025, to members of the Law Society, PLT providers and the Deans of NSW law schools.
- 12 The Survey was principally directed towards practitioners who had completed PLT in the last decade as well as those who had 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 generated statistically significant results. The responses to the Survey provided much valuable data and gave rise to and reinforced some serious concerns about the cost and quality of PLT available in the marketplace.
- 13 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. More discursive observations included that:
- PLT is seen as a box ticking exercise, lacking deep relevance to legal practice;
 - the move to most of the course being delivered online has led to a lack of in-depth learning;

- a lack of academic rigour was reported with the course being seen as hard to fail;
 - PLT costs can be prohibitive and are not seen as providing value;
 - work undertaken during study, such as paralegal work, was reported to be more useful than PLT; and
 - employer-funded PLT could steer new lawyers towards private practice, deepening existing workforce imbalance across practice areas.
- 14 In sum, the results of the Survey suggested that the current PLT offering in New South Wales was, as a general proposition, not properly performing the task for which it was created, that it was too expensive and time consuming, and did not prepare new lawyers adequately for their work in the profession.
- 15 It also highlighted that the work experience component of PLT (in many cases, a requirement of 75 days) was burdensome and often unpaid and itself a barrier to entry as prospective lawyers could not afford to be occupied for 3 ½ months without a source of income. The most valuable component of the PLT program, according to the Survey, was that undertaken face to face and in person to develop practical skills. This component, however, in many PLT programs was very brief and the vast majority of PLT was provided online and without personal interaction.
- 16 It is important that I note that there appeared to be far greater satisfaction with PLT which was being provided by two universities which integrate PLT into their undergraduate law degrees, and there is no reason why, under a re-imagined PLT offering, such programs could not continue with graduates who had undertaken such courses at the relevant universities being able to proceed directly to admission, as is currently the case.

Extended consultation

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

- 18 It was quickly determined that, while the 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 PLT it would be necessary to dig deeper via detailed extensive consultations.
- 19 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.
- 20 The LPAB's consultations extended well beyond Sydney to include consultations with legal practitioners from regional and rural NSW² and from firms of all sizes including sole practitioners and senior family lawyers.
- 21 Consultations were also held with the large law firm group (Law Firms Australia),³ public sector lawyers including the Crown Solicitor's Office, the Commonwealth and State DPP's, Legal Aid, AGS, community law centres as well as groups of recent PLT graduates, a large number of NSW Law Schools⁴ and all existing and proposed PLT providers in NSW.⁵
- 22 Submissions from individual practitioners and stakeholders were also solicited or volunteered. Many of these were lengthy, detailed and extremely thoughtful.

² Central Coast (Gosford, Tuggerah and Erina); Southern Highlands (Bowral, Mittagong, Goulburn,) Southern Tablelands (Wagga Wagga and Lockhart) and The Riverina; Albury and Lavington; Tamworth, Temora, Narrandera, Leeton, Cootamundra, West Wyalong and Orange.

³ Representing Allens, Ashurst, Clayton Utz, Corrs Chambers Westgarth, DLA Piper Australia, Herbert Smith Freehills, King & Wood Mallesons, Minter Ellison and Norton Rose Fulbright.

⁴ University of Newcastle; Western Sydney University; Sydney University; UNSW; UTS; Macquarie University; University of Wollongong; Australian Catholic University; Charles Sturt University; University of New England; Notre Dame.

⁵ The College of Law; Leo Cussen; APAC; University of Newcastle; UTS; and UNSW.

- 23 The results of that consultation and options for reform will be brought together in a Discussion Paper which will be issued by the LPAB next month, after which further submissions will be called for, with a final Report early next year. A number of options will be canvassed in the Discussion Paper including maintenance of the status quo and the introduction of a New York Bar style admission exam (although this is not the currently preferred option).
- 24 What follows is a necessarily high level preview of the Discussion Paper and exposition of what, following the extensive consultations, is currently the preferred way forward.

Delivery of PLT – three stages

- 25 When we talk about PLT, we often immediately think of the requirement to undertake a bespoke course of practical legal training immediately prior to admission. In New South Wales, by far the dominant PLT provider is the College of Law which offers a Graduate Diploma of Legal Practice.
- 26 As of February 2025, the LPAB has accredited the following additional PLT providers in accordance with s 29 of the *Uniform Law*:⁶
- (i) 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;
 - (ii) University of New South Wales (Graduate Diploma of Legal Professional Practice);
 - (iii) UTS (Graduate Certificate in Professional Legal Practice); and
 - (iv) Leo Cussen Centre for Law (Graduate Diploma in Legal Practice).
- 27 The current cost of such programs range from \$9,200 to over \$13,000 for international students with additional amounts being payable for those electing

⁶ 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>>.

to take a reduced work experience component. These figures are *after* a 25% reduction by the College of Law after a discussion late last year.

- 28 On one view, the conception of PLT as solely comprising a bespoke pre-admission program such as that offered by the College of Law is correct. But, in a broader sense, it is not.
- 29 Practical legal training can and should begin at university, be followed by a capstone course of practical training (the optimal length and design of which I shall return to) and it should continue after admission to practice. Think of *three stages* of PLT with the first stage being university and the final stage being post-admission training.
- 30 In one sense, the three stages of PLT already exist. They are not coordinated, however. The first and second stages have a large degree of unnecessary overlap and repetition. This problem is mostly a result of law schools and PLT providers operating in their own streams (and this is not a criticism) and there being no consistent approach to what practical content and assessments law degrees contain on which PLT programs might build.
- 31 Further, much of what is currently required in what I have described as the second stage of PLT would arguably be far better taught in the third, post-admission stage. This would also have practical, financial and institutional advantages which I will explain later in these remarks.
- 32 I will now turn to consider briefly each of the three stages both as they currently exist and how they might exist in a re-imagined PLT.

The first stage

- 33 As to the first stage, practical legal training which can and should begin at university, admissions standards *stipulate* that law degrees meet requirements known as the “Priestley 11”. This calls for the teaching of 11 disciplines although not necessarily in 11 separate courses. A number of these 11 disciplines have or include a strong practical component and are replicated in

or overlap with aspects of PLT programs such as that provided by the College of Law. These are:

- A basic knowledge of the principles relating to the holding of money on trust;⁷
- Civil Litigation,⁸
- Property,
- Contract and Company Law,
- Administrative Law,
- Criminal Law and Procedure, and
- Ethics and Professional Responsibility.

- 34 A number of these subjects may be taught at a purely theoretical level but a number of them are self evidently practical in nature such as civil litigation and criminal procedure; and others, such as ethics and professional responsibility, assume their relevance in a practical context.
- 35 The extent to which universities currently emphasise practical aspects of all of these subjects in their teaching varies significantly between New South Wales law schools. Experience dictates, however, that, very often, teaching legal principle in a practical context brings what may be an otherwise dry subject alive.
- 36 From most of the universities consulted, there was an enthusiasm for increased emphasis on teaching certain legal subjects from a practical perspective or at least including practical perspectives in the teaching of certain courses. And there are strong pedagogical reasons for this. In addition, within many of our law schools, there has been a significant increase in the last decade in activities such as mooting, including in an arbitral context, witness examinations, client interviews, alternative dispute resolution training and indeed commercial

⁷ Within "Ethics and Professional Responsibility" .

⁸ Within "Civil Dispute Resolution" .

negotiations at both a formal and informal level. Judges and practitioners are often involved in the coaching, organisation and or judging of such activities.

- 37 Thus, when we think of PLT for future members of the legal profession, we should start with aspects of what is already a compulsory requirement for law students in the course of their university education or when undertaking the LPAB's Diploma in Law course.
- 38 One specific idea is that the Ethics and Professional Responsibility component of the Priestley 11 would optimally be taught at or toward the end of the law degree, and closer to students' entry to practice. In a number of law schools, it is taught at the outset of law courses, often 5 or more years prior to a prospective practitioner being admitted to practice.

The second stage

- 39 Turning to the second of the stages of PLT, I have already pointed to the high, albeit not universal, dissatisfaction with what is currently on offer under the current system of PLT: its cost, length and quality including the predominant online, non-personal mode of teaching (which is in part a hangover from the pandemic).
- 40 Most if not all of this audience will be familiar with the structure of PLT which comprises:
- First, a Skills component, in turn comprising units on Lawyers' Skills; Problem Solving; Work Management and Business Skills; and Trust and Office Accounting;
 - Second, three Compulsory Practice Areas comprising Civil Litigation Practice; Commercial and Corporate Practice; and Property Law Practice; and

- Thirdly, the undertaking of two Optional Practice Areas.⁹

- 41 In addition, there is a work experience component which involves a minimum of 15 days work experience but, for most who undertake PLT, the requirement is 75 days. Parenthetically, the cost of some courses *increases* by over \$1,500 if only 15 days of work experience is undertaken.
- 42 Work experience obtained *prior to* completion of a law degree is currently *not* permitted to be counted. Thus, the accumulated experience of those who may have worked as a paralegal during their law degree and or undertaken a summer clerkship or worked in a community legal centre during university cannot be brought to account even though valuable experience may have been obtained in that context.
- 43 In addition, while some work experience may be paid, that will often not be the case and, whether paid or not, the quality of the work experience (and the potential training gained thereby) is variable, difficult to monitor and guarantee. This was a point commonly made in feedback during the consultation process by those who had undertaken it. A requirement of 75 days of work experience (comprising 7.5 hours per day) which is unpaid may also present a significant barrier to entry, and meaningful work experience may be difficult or burdensome for firms to provide over such an extended period (3 ½ months).
- 44 An important reason for the length of the current version of PLT in NSW is that it is offered as a postgraduate qualification: a graduate diploma or a certificate of legal practice, depending on the institution attended and particular course involved. This engages regulatory obligations which flow both from TEQSA (the Tertiary Education Quality and Standards Agency) and the Law Admissions Consultative Committee (LACC), whose Competency Standards are incorporated into Part 4 of Schedule 2 to the Legal Profession Uniform

⁹ 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.

Admission Rules 2015 (NSW). Those Standards in turn affect both the length, content and cost of the courses.

- 45 Thus, PLT must be of at least 900 hours' duration comprising at least 450 hours of programmed training and at least 15 days' workplace experience. 75 days is not legislatively prescribed but is a practical way by which PLT providers can satisfy the 900 hours requirement.
- 46 Further, the Competency Standards in relation to the five compulsory components of PLT stipulate no less than 146 separate performance criteria that must be satisfied by a new lawyer.
- 47 A strong case can be made for the proposition that the current PLT 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. While some exposure to a large number of tasks and skills might be achievable, the idea that 146 separate competencies can be achieved meaningfully by all entry level lawyers by reason of completing a PLT program, largely taught online, is quite unrealistic.
- 48 The suitability of the current offering in terms of its structure and scope is also open to question especially in view of the increasingly varied nature of the legal profession. Take the three current Compulsory Practice Areas: Civil Litigation Practice; Commercial and Corporate Practice; and Property Law Practice. One might well ask, for example, why the not inconsiderable number of novitiate lawyers wanting to practice criminal law should be required to undertake each of those courses, especially where they will already have studied those subject areas at university by reason of the Priestley 11 requirements?
- 49 And the same question may be asked in relation to the current trust accounting component of PLT. The vast majority of lawyers entering practice will never run their own firms and, perhaps more importantly, will not do so in their early years of practice, and cannot do so while they remain under supervision. Further, 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, moreover, is unlikely to arise for lawyers working for government bodies, in-house, or for Legal Aid.

- 50 Knowledge of and training in relation to trust accounts is more appropriately required as and when a practitioner seeks to be authorised to run their own practice. At that stage, such lawyers should be subject to stringent training and assessment as to trust account obligations as opposed to a relatively desultory, exiguous requirement undertaken at a time when the need for such training is remote and indeed may never arise.
- 51 It is strongly arguable that too much is currently being sought to be achieved 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 wracked up very heavy HECS debts.
- 52 The externally imposed and highly prescriptive TEQSA and Uniform Law requirements that must be satisfied to meet the requirements for the award of a diploma or certificate (which include requirements as to qualifications of teaching staff) may be a classic case of the “tail wagging the dog”. An optimal form of practical legal training need not result in such a “qualification”, especially where the requirements needing to be met for a diploma or certificate to be awarded duplicate aspects of the Priestley 11 and compel completion of subjects that will not be relevant for many.
- 53 The LPAB has reached the preliminary view that there is little utility (and considerable cost) in requiring all applicants for admission to practice 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 required of a suburban or small firm employed solicitor (who might do wills and estates, conveyancing and appear in the Local Court) and those of a lawyer working in one of the medium-sized or large firms (who will never do any of these tasks) are quite different – leaving aside

employment as a lawyer by government, community legal centre, NGO and as corporate counsel.

- 54 This is not to question the need for an intensive pre-admission PLT course for new practitioners but, especially when coupled with what is envisioned for post-admission practical legal training to which I shall come, there is no need for the pre-admission course to be as long, as broad in scope or as expensive as it currently is.
- 55 The Survey and extensive consultations that have been undertaken suggest that what is desirable is a capstone program or course of, perhaps, 2-3 weeks' duration which is taught *in person* and focuses on core skills for lawyers relevant at all levels of practice. Such a course would be directed to minimum common basic skills, including training in basic legal tasks such as taking instructions, interviewing possible witnesses, dealing with colleagues, writing client advices, researching the law, making file notes and making written and oral presentations. It is also desirable that new lawyers have some practical training and education in relation to court processes and etiquette. The changing nature of the legal profession may also require the inclusion of other skills and training.
- 56 Such a course would also be an occasion for the reinforcement of ethical obligations in practice since the profession is not a profession at all without them.
- 57 Perhaps paradoxically, while the envisaged 2-3 week in-person capstone course would represent a contracted form of pre-admission practical legal training, it would involve significantly *more* person-to-person hours than what is currently on offer.
- 58 The precise design of such a capstone course will need to be the subject of further and ongoing work but it would be complemented by a continuing requirement for 15 days work experience but with the important qualification that, subject to satisfactory certification, work experience undertaken during

university studies such as paralegal work, summer clerkships, internships or community legal centre work would be able to be counted to discharge this component of any course.

- 59 Such in-person capstone courses, being shorter in length and breadth than what is currently offered, should be able to be provided more cheaply, more regularly, and in more locations, including Western Sydney and regional centres.
- 60 They may be offered by existing accredited providers such as the College of Law (although fresh accreditation would be required) but new entrants would also be able to enter the market on certification by the LPAB. The College of Law, with its \$80 million plus accumulated reserves, would be expected to subsidise the cost of such a course and or offer an extensive series of bursaries to facilitate access to the legal profession.
- 61 Speaking of new entrants, it may or may not be that the Law Society itself and or the Law Extension Committee of the University of Sydney or particular university law schools would consider entering this space, offering the capstone course as a micro-credential. A number of law schools are already well-equipped to do so.
- 62 Individual law firms of a sufficient size may also consider entering this market, subject to certification. Many large law firms and many government employers already undertake extensive training of graduate lawyers due to lack of satisfaction with the currently offered PLT and despite their graduates having undertaken it. Competition in the provision of this re-imagined form of PLT would be healthy and encouraged.

The third stage

- 63 This brings me to what might be thought of as the third stage of a re-imagined PLT, that is, *post-admission* PLT.

- 64 Nobody could sensibly suggest that training can and should end upon admission to practice. The practice of the law competently entails a combination of technical ability and experience. Learning is continual. Moreover, practical legal training might well be thought to be more meaningful to a young lawyer once he or she has commenced practice and is encountering practical challenges on a daily basis in the real world and in real time, working with and hopefully being mentored by more senior lawyers. What might be theoretical pre-admission is likely to be at least more relatable to a young lawyer once in practice.
- 65 I have already noted that the current PLT courses provide for three Compulsory Practice Areas and two Optional Practice Areas. Under a re-imagined PLT, these components of training would largely be removed from the *pre-admission* 2-3 week capstone course but would re-enter the landscape *post-admission* by the introduction of a practicing certificate requirement for lawyers in their first two (or may be three) years of legal practice to undertake 15 hours of in-person practical legal training per year (probably in addition to existing CLE requirements).
- 66 The notion would be that specialist day-long in person courses of 7.5 hours would be developed and offered in a wide range of practice areas to young lawyers working under supervision. These courses could be chosen by the newly admitted lawyer, in association with their supervising lawyer, according to their areas of professional involvement and interest and the needs of their firms or organisations. These courses would involve as an important component a meaningful assessment, the satisfactory completion of which would be essential to satisfying a practising certificate requirement, in much the same way that rigorous assessment is applied to specialist accreditation.
- 67 New lawyers would thus be required to complete two, day long courses per year for each of their first two or three years of practice as a means of complementing what I have described as the two stages of their pre-admission practical legal training.

- 68 Apart from the benefit of learning in the context of actually practicing, this approach would allow young lawyers to choose units of training relevant to their practice areas and or to explore areas in which they might wish to develop a practice. It would avoid the problem that currently exists and to which I have already referred of compulsorily requiring lawyers *pre-admission* to undertake training in areas in which they might never practice and have no interest.
- 69 This approach has the additional benefit that the costs of attending such post-admission training modules would be tax deductible for practitioners, and also allow the overall cost of PLT to be spread over a number of years.
- 70 Just as many practitioners give their time to work on the Advisory Committees that 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, the LPAB would look to the Law Society to adopt a similar model for the provision of post-admission practical legal training units in a wide range of areas for lawyers in their first two years of practice.
- 71 That is not, of course, to say that, just as with CLE, independent providers, properly accredited, could not also offer such units and, again, competition in this area is likely to be healthy.
- 72 But I will say this. We, that is to say, Justices Payne, Kirk and myself, have received enormous support and enthusiasm from large numbers of the profession in relation to the review into PLT. I detect a strong appetite for genuine change which improves not only the quality of young lawyers on entry and in their early years of practice by reason of enhanced training but also improves the experience of those young lawyers.
- 73 Moreover, the potential involvement of mid to senior lawyers and indeed retired lawyers in the development and delivery of post-admission PLT units of practical training in a wide range of fields in which they have years of experience

is likely to have, as an important by-product, the reinforcement of professional values and collegiality which, as is well known, I place enormous store on.

- 74 Participating in the corporate life of the profession, including its training and education of its newest members, is an honourable and most worthwhile goal and will enhance the overall administration of justice in this State.

Conclusion

- 75 My remarks are necessarily a high level overview of the work that has been done principally by Justices Payne and Kirk and Emeritus Professor Quinlan but that work has been based on extensive consultation with the profession, and simply reflects current thinking.
- 76 The goal has always been clear and simple: to increase the quality and reduce the cost of PLT.
- 77 As I have said, a detailed Discussion Paper will be issued next month which I commend for your attention. Much work lies ahead at many levels if the improvements contemplated are to be achieved. I hope that many of you in this audience, being senior and specialist members of the profession as you are, will embrace the opportunity for real reform and participate in that endeavour.
- 78 Thank you for your attention.