18 September 2019

The Hon Vickie Chapman MP
Attorney-General
PO Box 464
ADELAIDE  SA  5000

By email: kellie.tilbrook@sa.gov.au

Dear Ms Attorney

Options for improving the family violence competency of legal practitioners

1. I refer the Council of Attorneys-General Family Violence Working Group Consultation Paper in relation to Options for improving the family violence competency of legal practitioners (“the Consultation Paper”).

2. The Society understands the purpose of the Consultation Paper is to seek views on ways to improve the family violence competency of legal practitioners in Australia, particularly those working in the family law, family violence and child protection systems.

3. The Society recognises the importance of lawyers working in family law and child protection, having expertise and knowledge with respect to family violence. It supports the suggested key family violence capabilities identified in table 1 of the Consultation Paper.

4. The Society provides brief comment below with respect to a number of the Consultation Questions, which have been informed by the Society’s Family Law Committee and Ethics and Practice Unit.

Do you have views about when in a legal practitioner’s training each of the above capabilities should be addressed?

5. The Society notes the options for enhancement as set out in Consultation Question 4.2 of the Consultation Paper. The Society considers that the following options are appropriate:

5.1 At University level as part of the family law elective topics;

5.2 Amend an existing prescribed subject, such as Criminal Law and Procedure, to include family violence as a mandatory topic within that subject;

5.3 At a Practical Legal Training level, as part of the Family Law Unit; and

5.4 As part of Continuing Professional Development (CPD) for family practitioners.

6. The Society notes that Consultation Question 10 considers whether there is a need to improve the availability and accessibility of family violence training packages that address the key capabilities
and training needs of legal practitioners through government funded or government subsidised initiatives. The Society considers this would be an appropriate and helpful measure.

**Would you support an approach to the Law Admissions Consultative Committee and Australian Professional Legal Education Council to seek the addition of family violence as a competency standard for entry-level family lawyers?**

7. The Society would support this approach and notes the suggestion above with respect to family violence training being incorporated as part of the Practical Legal Training Competency Standards. As noted above, this could be included as part of the Family Law elective subject as part of the PLT and also as part of Criminal Law Practice subject.

**Would you support changing/mandatory core competency units for CPD requirements to include family violence?**

8. This approach has been considered by the Ethics and Practice Unit of the Society who take the view that such an approach may be problematic. It was suggested that it may also be difficult to enforce family violence training on a mandatory basis for all lawyers practising in family law. However, family violence training as an elective CPD is certainly supported.

**Would you support a Family Violence Accreditation system?**

9. The Society suggests this is an option worth considering. Furthermore, it is suggested that family violence training could be incorporated as part of the Accredited Family Law Specialist program for family law practitioners seeking specialist accreditation.

**Would you support the participation by legal aid panel members and CLC lawyers in ongoing family violence training offered by legal aid commissions?**

10. The Society considers this is an appropriate measure and further suggests that training could made mandatory for members of CLC legal aid family law and children’s law panels (i.e. as a requirement for being on the panel of practitioners to whom legal aid work is allocated).

**To what extent are employers of legal practitioners able to take responsibility for regulating their family violence training and professional development?**

11. While employers should be ensuring that employees practising in family law are trained in the area of family violence, this is hard to regulate from the Society’s perspective. Furthermore, it is a measure that cannot be solely relied upon (i.e. further measures are required – including those discussed above).

Yours sincerely

Amy Nikolovski
PRESIDENT
T: (08) 8229 0200
E: president@lawsocietysa.asn.au