

Council of Attorneys-General Family Violence Working Group
CONSULTATION PAPER
'Options for improving the family violence competency of legal practitioners'

Westjustice, Western Community Legal Centre - September 2019

Focus Question 1: Are there other key family violence capabilities for legal practitioners working in the family law, family violence and child protection systems that should be included in Table 1?

Understanding Family Violence: Include 'The impact of increased risk factors'.

Family violence risk identification, assessment and management: Making sure clients have been referred to undertake immediate safety planning at Court or post Court hearings

Working with victims: having an understanding of mis-identified perpetrators

Legal Knowledge: should have knowledge of criminal law

Knowledge of related issues sub-heading should be renamed to 'Knowledge of increased risk factors' For example, drug use and mental illness are contributing factors and not reasons.

Focus Question 2: Are you aware of any evidence-based family violence training models suited to legal practitioners that address all the capabilities listed in Table 1?

Women's Legal Service Victoria 'Safer Families' (3 day course).

Victoria Legal Aid Family Law Forum

Domestic Violence Resource Centre delivers family violence training that could easily be adjusted to address legal issues.

Focus Question 3: Do you have views about when in a legal practitioner's training each of the above capabilities should be addressed (e.g. at university, during practical legal training, through post-admission training courses or other mechanisms)?

Training should take place at each stage of education, reinforcing knowledge and practise expertise throughout both law students and legal practitioner's careers. There could be specific CDP requirements for legal practitioners working in family violence to undertake legal and non-legal education to support their practise.

Focus Question 4: Would you support family violence training being incorporated into law students' university learning? What are your views on Options A, B and C? Are there other options that we haven't considered?

Option B - to include as a topic in criminal law as well as family law, human rights, migration law and also in some compulsory introductory legal subjects such as ethics, contracts and property law. It is important to note how economic violence is used in civil and corporations laws.

Focus Question 5: 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?

Yes, it is important for entry-level family lawyers to have family violence as a competency standard. Should be noted that family violence is not restricted to the experience of family law practitioners and other areas of practice should be considered.

Focus Question 6: Would you support changing mandatory/core competency units for CPD requirements to include family violence? If yes, how could it best be regulated in practice and how often should CPD in family violence be undertaken? Do you have a preference between Options D and E? Are there other options that we haven't considered?

Yes, Option E

Focus Question 7: Would you support a Family Violence Accreditation system? If yes, how do you suggest it works and is regulated? Do you have a preference between Options F and G? Are there other options that we haven't considered?

Yes, G

Focus Question 8: Would you support the participation by legal aid panel members and CLC lawyers in ongoing family violence training offered by legal aid commissions? If yes, should participation be voluntary or mandatory?

Yes however training should be provided by Legal Aid commissions, specialist family violence services and community legal centres. It must be noted, that Legal Aid Commission's expertise is in respondent work and community legal centres hold the expertise in applicant family violence work and training.

Focus Question 9: To what extent are employers of legal practitioners able to take responsibility for regulating their family violence training and professional development?

Combination of employers and other governing or training bodies. Additional funding to support training needs and professional development must be provided to employers.

Focus Question 10: Is there 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?

Yes

Focus Question 11: What are the existing options in your jurisdiction for enhancing the family violence competency of criminal law practitioners; police and public prosecutors; and lawyers for child protection authorities?

Please use this space for any other feedback on the family violence competency of legal practitioners.

There is a gap for Legal Aid Panel lawyers in terms of experience in family violence. If an application is made to be on the family law panel that person is automatically placed on the family violence panel. A separate application for the family violence panel should be made, so that experience in family violence is outlined. Very few panel practitioners have a complex understanding of family violence.

For further information, please contact Shorna Moore, Director of Policy on shorna@westjustice.org.au