



Law Council
OF AUSTRALIA

Options for improving the family violence competency of legal practitioners: Consultation Paper

Council of Attorneys-General Family Violence Working Group

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About the Law Council of Australia

The Law Council of Australia exists to represent the legal profession at the national level, to speak on behalf of its Constituent Bodies on national issues, and to promote the administration of justice, access to justice and general improvement of the law.

The Law Council advises governments, courts and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world.

The Law Council was established in 1933, and represents 16 Australian State and Territory law societies and bar associations and the Law Firms Australia, which are known collectively as the Council's Constituent Bodies. The Law Council's Constituent Bodies are:

- Australian Capital Territory Bar Association
- Australian Capital Territory Law Society
- Bar Association of Queensland Inc
- Law Institute of Victoria
- Law Society of New South Wales
- Law Society of South Australia
- Law Society of Tasmania
- Law Society Northern Territory
- Law Society of Western Australia
- New South Wales Bar Association
- Northern Territory Bar Association
- Queensland Law Society
- South Australian Bar Association
- Tasmanian Bar
- Law Firms Australia
- The Victorian Bar Inc
- Western Australian Bar Association

Through this representation, the Law Council effectively acts on behalf of more than 60,000 lawyers across Australia.

The Law Council is governed by a board of 23 Directors – one from each of the constituent bodies and six elected Executive members. The Directors meet quarterly to set objectives, policy and priorities for the Law Council. Between the meetings of Directors, policies and governance responsibility for the Law Council is exercised by the elected Executive members, led by the President who normally serves a 12 month term. The Council's six Executive members are nominated and elected by the board of Directors.

Members of the 2019 Executive as at 14 September 2019 are:

- Mr Arthur Moses SC, President
- Ms Pauline Wright, President-elect
- Dr Jacoba Brasch QC, Treasurer
- Mr Tass Liveris, Executive Member
- Mr Ross Drinnan, Executive Member

The Secretariat serves the Law Council nationally and is based in Canberra.

Acknowledgement

The Law Council acknowledges the assistance of its Family Law Section, the Law Society of New South Wales, the Queensland Law Society, the Law Institute of Victoria, and the Law Society Northern Territory in the preparation of this submission.

Introduction

1. Recommendation 52 of the Australian Law Reform Commission's (**ALRC**) Report *Family Law for the Future — An Inquiry into the Family Law System (ALRC Inquiry)* calls on the Law Council to:

*work with state and territory regulatory bodies for legal practitioners to develop consistent requirements for legal practitioners undertaking family law work to complete annually at least one unit of continuing professional development relating to family violence.*¹

2. The Law Council acknowledges this recommendation and welcomes the opportunity to provide a response to the related Consultation Paper of the Council of Attorneys-General Family Violence Working Group (**FVWG**) exploring options for improving the family violence competency of legal practitioners (**Consultation Paper**).
3. The Law Council is grateful for the assistance of its Family Law Section (**FLS**), the Law Society of New South Wales (**LSNSW**), the Queensland Law Society (**QLS**), the Law Institute of Victoria (**LIV**), and the Law Society Northern Territory (**LSNT**) in the preparation of this submission.
4. The Law Council notes the intention of the LIV and LSNT to provide separate submissions to the FVWG regarding particular issues that arise within those jurisdictions.

Responses to Focus Questions

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?

5. The Law Council is of the view that while the capabilities listed at Table 1 provide a largely comprehensive list of the capabilities required of legal practitioners who work in family law, family violence and child protection systems, these capabilities could apply to all legal practitioners, as family violence can be relevant to any client, on any file.
6. Criminal law is an obvious example, however equally, a plaintiff in a personal injuries matter may be subjected to family violence at home to accept or not accept an offer. Succession law is another area where family violence may well exist and be shaping a party's position in litigation. Lawyers considering the enforceability of a contract may need to consider whether or not a party who has entered into, for example, a mortgage or a loan agreement or guarantee, was in circumstances where they have been the subject of family violence. It is submitted that most, if not all, legal practitioners could benefit from training towards having the capabilities referred to in Table 1 of the Consultation Paper.
7. In terms of the specific capabilities listed at Table 1, the Law Council suggests that the following additional points could be added:

Theme	Capability
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¹ Australian Law Reform Commission, *Family Law for the Future — An Inquiry into the Family Law System* (Report No 135, March 2019) rec 52.

<p>Understanding family violence</p>	<ul style="list-style-type: none"> • An understanding of the gendered nature of family violence. • An understanding of the failure to report and failure to leave the perpetrator, especially in the context of vulnerable people including those of Culturally and Linguistically Diverse (CALD) and Aboriginal and Torres Strait Islander backgrounds. • An understanding that places the perpetrator as the person responsible for the violence and doesn't punish the victim or her children.
<p>Family violence risk identification, assessment and management</p>	<ul style="list-style-type: none"> • Practitioners should be given a general overview of indicators that make a situation high risk, for example, the elements of 'SAFETIPS': <ul style="list-style-type: none"> - Recent Separation; - Attempted Strangulation; - Fear levels; - Escalation; - Threats to kill, burn house, suicide; - Isolation; - Possessive/jealous behaviour; and - Stalking. • Practitioners should also demonstrate an understanding of how to manage client relationships so as to minimise the risk of: <ul style="list-style-type: none"> - physical danger to themselves; and - vicarious trauma.
<p>Working with perpetrators</p>	<ul style="list-style-type: none"> • Making appropriate referrals: Many practitioners refer perpetrators to short anger management courses, where it would be more appropriate to refer them to longer term, specific perpetrator programs, to help the perpetrator to address their behaviour and give them the opportunity to change.
<p>Working with diverse/vulnerable clients</p>	<ul style="list-style-type: none"> • Working appropriately with vulnerable clients from CALD and Aboriginal and Torres Strait Islander backgrounds in relation to family violence. <p><u>In relation to women from CALD backgrounds:</u></p> <ul style="list-style-type: none"> • Women from CALD backgrounds are particularly vulnerable to domestic and family violence. They may hold religious or cultural beliefs about gender roles and behaviours, particularly within marriage, which are inconsistent with speaking out about violence perpetrated against them and their children, or with seeking legal redress. • Women from CALD backgrounds may also have come from circumstances of war or civil unrest where they have personally experienced violence, rape or sexual assault, without redress or expectation of redress. • These factors, and the range of other cultural, linguistic, economic and social factors associated with

	<p>resettlement in a new country, heighten the challenges and barriers for CALD women who experience domestic and family violence, especially when they engage with the legal system to secure the protection of themselves and their children, and to seek legal redress.</p> <p><u>In relation to Aboriginal and Torres Strait Islander women:</u></p> <ul style="list-style-type: none"> Aboriginal and Torres Strait Islander women are at greater risk of all forms of violence and related death than other Australian women. For example, in 2014-15, the hospitalisation rates for Aboriginal and Torres Strait Islander women who experienced non-fatal domestic violence-related assaults were 32 times the rate for non-Aboriginal and Torres Strait Islander women.
Legal Knowledge	<ul style="list-style-type: none"> Practitioners should also demonstrate an understanding of professional obligations regarding client confidentiality and taking instructions in situations where the mental capacity of their client is in question.

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?

8. The Law Council is aware that from time to time state bodies, such as the various Family Law Practitioners' Associations around Australia, offer professional development events addressing issues regarding family violence. There are also private bodies that offer training. For example, in April 2019, 'CPD training (UK)' ran a course entitled *Children and Vulnerable Witnesses Training* in Tasmania. It is understood that this was a valuable training, particularly considering the upcoming changes in relation to the cross examination of vulnerable witnesses to be introduced into the *Family Law Act 1975 (Cth)* (**Family Law Act**). No doubt there are other continuing professional development (**CPD**) events like this to be offered.
9. Further, the QLS has highlighted the following family violence training programs available in Queensland as potentially meeting the capabilities listed at Table 1:

(a) *Queensland Department of Child Safety, Youth and Women*

The Queensland Department of Child Safety, Youth and Women (**CSYW**) has adopted the 'Safe & Together' model,² which is used across the world to assist child welfare professionals become 'domestic violence-informed'. The child-centred model accepts that a child is best when they are safe and together with the non-offending parent and provides a framework to partner with the survivor and hold the perpetrator accountable for their behaviour. The training has been provided by CSYW to child safety officers across Queensland on a sustained basis for over three years.

In 2019, the Office of the Child and Family Official Solicitor (**OCFOS**) sponsored the Safe & Together Institute to develop and conduct a training package for lawyers. Training was conducted with multiple lawyers from OCFOS, Legal Aid Queensland, the Office of the Public Guardian and the

² Safe & Together Institute, *About the Model* (Web Page) <<https://safeandtogetherinstitute.com/about-us/about-the-model/>>.

Director of Child Protection Litigation on the Safe & Together model and its application to lawyers. The aspects of the training covered lawyers performing all roles, covering the basics of the model, and was applicable to all areas of family law, child protection and domestic violence law, focusing on holding the perpetrator accountable and not the victim.

(b) *Central Queensland University*

Central Queensland University offers both a Graduate Certificate in Domestic and Family Violence Practice course,³ and a Master of Domestic and Family Violence Practice course.⁴

(c) *Queensland University of Technology*

Queensland University of Technology offers a Graduate Certificate in Domestic Violence course.⁵

10. By way of further example, in New South Wales (**NSW**), the LSNSW offers a one-day course in 'fundamentals' for family law practitioners as part of its CPD program. This course incorporates the capabilities in part. The Law Council understands that Legal Aid NSW, Community Legal Centres NSW and the Department of Communities and Justice offer a range of training on family violence to employees and other practitioners. However, this training may not cover all the capabilities listed in the Discussion Paper. The Law Council is also aware of private consultancy firms such as Blue Knot which offer training on trauma-informed practice.

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)?

11. The Law Council notes that there is scope for legal practitioners to be trained at a number of different stages in relation to family violence.
12. The Law Council is supportive of an incremental approach to developing knowledge and skills in this area, commencing during university, continuing during practical legal training (**PLT**) and then maintained in legal practice by way of CPD training.
13. An understanding of family violence is important for all students undertaking a law degree, not just those taking a family law elective. However, the most effective family violence training is practical in nature, with a focus on practical skills as well as knowledge. This type of training is generally best provided after the more theoretical learning generally provided in university courses.
14. As outlined in the Law Council's submissions to the ALRC Inquiry, the Law Council is of the view that family violence education should be mandatory for all legal practitioners (not just those undertaking family law work) as part of their continuing legal education requirements, if not on an annual basis then at least on the basis of

³ Central Queensland University, *Graduate Certificate in Domestic and Family Violence Practice – CV74* (Web Page) <<https://www.cqu.edu.au/courses/graduate-certificate-in-domestic-and-family-violence-practice>>.

⁴ Central Queensland University, *Master of Domestic and Family Violence Practice – CL23* (Web Page) <<https://www.cqu.edu.au/courses/master-of-domestic-and-family-violence-practice>>.

⁵ Queensland University of Technology, *Graduate Certificate in Domestic Violence* (Web Page) <<https://online.qut.edu.au/online-courses/law-justice/graduate-certificate-in-domestic-violence/>>.

one hour/unit every 2 years.⁶ The opportunity for practitioners to undertake more intensive CPDs should also be on offer.

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?

15. As noted in response to Focus Question 3, the Law Council supports the development of knowledge and skills in relation to family violence in, and beyond, university. All three options put forward in the Consultation Paper provide for family violence training to be more formally integrated into legal education, however there are competing views amongst Law Council members as to the extent that this integration should be mandated.
16. The Law Council provides the following positions put forward by the FLS, LSNSW and QLS for the assistance of the FVWG. Despite the contrasting views on the proposed options, all contributors acknowledge the importance of consulting with academic institutions when exploring changes to curriculum.

Family Law Section

17. The FLS supports family violence training being incorporated into law students' university learning, whether or not they undertake a family law subject. Option A of the Consultation Paper has many attractions to the FLS. Whether or not family violence teaching is to be incorporated into a family law subject, in the FLS's view, it is difficult to understand why family law itself is not a compulsory subject in all Australian law degrees. The FLS notes that it is family law where most Australians have dealings with the legal system, yet the subject is only an elective within all law degrees.
18. It is the view of the FLS that it is imperative that family violence as a subject be incorporated into all law degrees, so that all practitioners are exposed to this fundamental topic irrespective of what their future speciality might be.
19. The FLS notes that Option C of the Consultation Paper is an option that could be undertaken irrespective of whether Options A and/or B are adopted. The FLS welcomes and encourages universities reviewing their curricula to ensure that legal issues concerning family violence are appropriately addressed by their courses.

Law Society of New South Wales

20. The LSNSW believes that practical training provided post-university is likely to be more useful in improving the family violence capability of practitioners. However, if family violence training were to be incorporated, the LSNSW would support it being incorporated into the core or mandatory curricula.

Queensland Law Society

⁶ Law Council of Australia, Submission No 43 to the Australian Law Reform Commission, *Inquiry into the Family Law System (Issues Paper)* (7 May 2018) 97 [416] <<https://www.alrc.gov.au/wp-content/uploads/2019/08/family-law-43-law-council-of-australia-submission.pdf>>; Law Council of Australia, Submission No 285 to the Australian Law Reform Commission, *Inquiry into the Family Law System (Discussion Paper)* (16 November 2018) 66 <<https://www.alrc.gov.au/wp-content/uploads/2019/08/family-law-285-law-council-of-australia.pdf>>.

21. The QLS recommends that the FVWG consult with academic institutions, such as universities and TAFE institutes, in regard to Focus Question 4.
22. The QLS supports Option B, amending an existing prescribed subject (for example, Criminal Law and Procedure) to include domestic and family violence as a mandatory component of that subject. This would ensure, as the Consultation Paper suggests, that all potential lawyers gain a baseline understanding of domestic and family violence.
23. QLS does not support Option A as it currently reads – as family law is currently an elective subject and does not achieve the purpose of educating all lawyers around domestic and family violence. However, in addition to adopting Option B, QLS would support the amendment of family law to include domestic and family violence as a mandatory component.

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?

24. The Law Council is a member of the Law Admissions Consultative Committee (**LACC**). In light of this ongoing role, and the differing views of Constituent Bodies as to the compulsory nature of family violence training for new and emerging legal practitioners, the Law Council provides the following positions of the FLS, LSNSW and QLS for the assistance of the FVWG.

Family Law Section

25. The FLS notes that if family violence was a compulsory subject within all law degrees (a position supported by the FLS), there would not be a need for the addition of family violence as a competency standard for entry level Family Lawyers.
26. In the view of the FLS, the difficulty with the premise underlying Focus Question 5 is the concept of an 'entry-level family lawyer'. Whilst some entry level lawyers gain employment with specialist family law firms, there are many young lawyers working in general firms who are then 'thrown' a family law matter under the misapprehension that anyone can do family law and that it is 'easy'. Nothing could be further from the truth.
27. In any event, any person practising Family Law is very quickly confronted with the issue of family violence, as it is mandatory in all children's matters to file a 'Notice of Risk'. This brings the issue sharply to mind – but only if the lawyer asks the client the right questions. In the view of the FLS, this highlights the importance of compulsory training at university.
28. It is also very clear from the definition of family violence set out at section 4AB of the Family Law Act that what constitutes 'family violence' is very wide. Given the importance of it, particularly as set out in section 60CC of the Family Law Act, relating to children's matters, it is almost impossible for any legal practitioner dealing with a parenting case, not to have the family violence issues firmly in mind – if they know what they ought turn their minds to, and are able to explore the topic properly with their clients.
29. In property proceedings, family violence may still be a relevant issue, but only if the lawyer understands the many forms of family violence and its possible impact on their

client's contributions. The FLS notes that this again highlights the need for dedicated family violence leanings at university, and then on-going through a practitioner's career as set out above.

Law Society of New South Wales

30. The LSNSW supports the inclusion of mandatory family violence training in the PLT stage for all law graduates, not just those who intend to practise in family law, for two reasons:
- (a) Some graduates who do not identify as family lawyers at that early stage of their careers nevertheless go on to practise in family law, either from time to time or as family law specialists.
 - (b) Although family violence issues may arise most commonly in the context of family law, clients in other types of matters may also be involved in family violence, whether as survivors, perpetrators or witnesses. A recent study found that people who had experienced domestic or family violence in the previous 12 months were 10 times more likely than others to experience other legal problems.⁷ In the LSNSW's view it is important that all members of the legal profession are equipped to respond to these circumstances, whether they arise in the context of a family law matters or otherwise.

Queensland Law Society

31. The QLS supports the addition of family violence as a competency standard for entry-level family lawyers. The QLS also supports the addition of technical skills and knowledge around domestic and family violence under 5.6 (Criminal Law Practice) and 5.9 (Family Law Practice) of the LACC's Practical Legal Training Competency Standards for Entry-Level Lawyers.
32. Further, 5.10 covers 'Lawyer's Skills'. It would be appropriate, in the view of the QLS, to include family violence training in this competency standard. Currently this competency standard covers a variety of legal skills such as developing cross-cultural awareness. This requirement should be extended to awareness of domestic and family violence matters, in particular in working with diverse and vulnerable clients.

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?

33. As noted above, the Law Council is of the view that family violence education should be mandatory for all legal practitioners (not just those undertaking family law work) as part of their continuing legal education requirements, if not on an annual basis then at

⁷ Christine Coumarelos, *Quantifying the legal; and broader life impacts of domestic and family violence* (Law and Justice Foundation of New South Wales, Paper 32, June 2019).

least on the basis of one hour/unit every 2 years.⁸ The Law Council considers Option E to be the appropriate option that should be taken if there is to be change in this area.

34. Issues may arise in many different types of matters and lawyers should be competent to respond appropriately.⁹ In the Law Council's view it is desirable that all practising solicitors should develop competency in family violence that builds:
- (a) an understanding of the scope of family violence;
 - (b) the ability to identify family violence;
 - (c) client management skills, having regard to the solicitor's professional responsibilities;
 - (d) resilience against vicarious trauma; and
 - (e) the ability to make effective referrals.
35. However, the required competencies should not extend further. Solicitors should not be required to assist beyond providing legal information, legal advice and referrals.
36. It is noted that while the QLS supports the inclusion of a mandatory CPD unit in domestic and family violence, it does not support the adoption of Option D or E. The QLS acknowledges the concern expressed in the Consultation Paper regarding the possible challenge of identifying the cohort of professionals that practise family law. However, the QLS recommends a staggered approach, rather than introducing a mandatory unit for all lawyers. For example, a mandatory CPD unit in domestic and family violence could be introduced for lawyers identified as practising in family law, child protection, and criminal law, as these are areas of practice most often identified as intersecting with domestic and family violence matters. After some time, perhaps the mandatory CPD unit could be reviewed with a view to expanding the requirement to more areas of practice (for example, succession law, elder law and property). This could then be subject to another review in the future before the decision is made to apply a broad mandatory CPD requirement upon all lawyers. The QLS would also recommend that the mandatory CPD be delivered by accredited and approved content providers with a regulatory function.

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?

37. The Law Council notes that accreditation is an issue for the state and territory bodies.

⁸ Law Council of Australia, Submission No 43 to the Australian Law Reform Commission, *Inquiry into the Family Law System (Issues Paper)* (7 May 2018) 97 [416] <https://www.alrc.gov.au/wp-content/uploads/2019/08/family-law_-43._law_council_of_australia_submission.pdf>; Law Council of Australia, Submission No 285 to the Australian Law Reform Commission, *Inquiry into the Family Law System (Discussion Paper)* (16 November 2018) 66 <https://www.alrc.gov.au/wp-content/uploads/2019/08/family-law_285._law_council_of_australia.pdf>.

⁹ Consideration could be given to requiring family violence competency as part of broader-based competencies that are focused on responding to the physical, psychological or financial abuse of vulnerable people. In addition to family violence, solicitors should be equipped to respond to elder abuse, child abuse and racial, cultural or sex discrimination. In our view CPD units focused on responding to various forms of abuse may also be of interest to a wider range of practitioners.

38. The Law Council supports a family violence accreditation system and prefers Option G of the Consultation Paper. Accreditation would not only acknowledge the importance of this topic but would give due recognition through more in-depth education for those practitioners who wish to undertake training beyond the university and CPD training set out above.
39. As an alternative to the introduction of family law competencies into core CPD units, the LSNSW would not oppose the development of an optional family violence accreditation system which is open to all solicitors. While optional accreditation runs counter to the principle that family violence competency – and indeed competencies in dealing with abuse of vulnerable people – should be attained by every solicitor, an opt-in approach may be more palatable to practitioners than a mandatory requirement.

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?

40. The Law Council supports the participation by Legal Aid panel members and CLC lawyers in ongoing family violence training offered by legal aid commissions,¹⁰ provided these are CPD events and can count towards the necessary points required to meet mandatory family violence CPD training as previously submitted should be undertaken by practitioners in Australia.
41. The Law Council considers the question as to voluntary or mandatory is better left for legal aid and CLC entities.

Focus Question 9:

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

42. The Law Council suggests there is a difference between being 'able to' and 'willing to'. The legal profession is an already heavily regulated profession with employers devoting considerable time and energy to complying with a raft of obligations. Rule 37 of the *Australian Solicitors Conduct Rules* already requires legal practices to supervise their employed solicitors. Their responsibility to do so is based on their duty to the court to ensure employees comply with professional obligations.
43. However, the Law Council is concerned that requiring employers of legal practitioners to oversee and coordinate family violence training for employees will add to the burden already facing firms and, in fact, may be counterproductive. Instead in the Law Council's view, the appropriate manner in which to train practitioners is through the mandatory CPD point requirements process. Having CPD points dealing with family violence as a mandatory obligation will necessarily ensure the creation of relevant CPD courses. It will be far easier for firms (particularly small, time poor firms) to organise themselves and their employees to attend such CPD points, rather than be left with the responsibility of in-house training.

¹⁰ The Law Council understands that in NSW, Legal Aid Family Law Panel members are already required to undertake training in family violence.

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?

44. Given the scourge of family violence in Australia, the Law Council encourages the use of government funded training and government subsidised training in order to assist practitioners with obtaining the necessary skills.
45. The Law Council also notes that although family violence is prevalent across all sectors of society, many publicly funded legal services manage a large number of cases involving family violence issues.

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?

46. The Law Council is not aware of any options for enhancing the family violence competency of criminal law practitioners, police and public prosecutors and lawyers in child protection authorities.
47. Criminal law practitioners in private practice will be required to earn CPD points, but given family violence is not a compulsory subject, attendance is entirely optional.
48. As for lawyers within public entities, if these lawyers do not hold practising certificates they may not fall within the CPD requirements imposed by law and overseen by state and territory law societies and bar associations, such as the *Legal Profession Uniform Law*. What training these lawyers attend or are required to do is a matter for those entities. This is a matter which plainly requires attention.

Other Feedback

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

49. The Law Council supports the training and improving of capabilities in understanding of family violence for all lawyers practising in all jurisdictions and that such education should begin at university. It is important that those undertaking the relevant training are themselves experienced and able to ensure a quality product is delivered.
50. The Law Council welcomes any further enquiries that may assist with the development of the concepts that have been referred to in the Consultation Paper.

Enhancing family violence competency of other key stakeholders

51. Although outside the scope of the Consultation Paper, the Law Council takes this opportunity to note its support for improving the family violence competency of other key stakeholders, including parliamentarians.
52. In a preliminary submission to the Joint Select Committee on Australia's Family Law System on 25 September, the Law Council recommended that family violence

awareness training be provided to all parliamentarians, including Committee Members and participating Members and Senators prior to the start of the inquiry.

53. It is suggested such training would inform and assist parliamentarians to better understand the complexities and dynamics of family violence, engage with their constituents who may seek to raise issues of family violence with them, and develop meaningful and appropriate policy responses.
54. This training could include raising awareness of underlying causes and signs of family violence, different forms and wide-ranging experiences of family violence, impacts of family violence on victims, children and vicarious trauma for others in the family law system, why incidents may not be reported, engagement with the family law system and how relevant services and jurisdictions within the family law system interact.
55. There are a range of models, programs and training available. The most suitable model should be determined in consultation with key stakeholders including family violence support service providers. The Law Council has suggested consideration be given, by way of example, to a similar model of family violence awareness training to that provided to judicial officers, through the national Judicial College of Australia, funded by the Attorney-General's Department.
56. The Law Council would be pleased to discuss this issue further with the FVWG.